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With T H E ~~RECEIVED~~  
**A C T S**  
O F THE ~~GENERAL ASSEMBLY~~  
General Assembly  
O F T H E

Commonwealth of Pennsylvania,

Carefully compared with the ORIGINALS.

A N D A N  
**A P P E N D I X,**

Containing the LAWS now in FORCE, passed between the 30th  
Day of September 1775, and the REVOLUTION.

TOGETHER WITH

The Declaration of Independence; the Constitution of the State of  
Pennsylvania; and the Articles of Confederation of the United  
States of America.

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Published by order of the General Assembly.

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**P H I L A D E L P H I A:**

PRINTED AND SOLD BY FRANCIS BAILEY,  
IN MARKET-STREET.

M,DCC,LXXXII.

1782

April 30th 1834 in old  
cash books

1870-1871  
1871-1872  
1872-1873

STATE of PENNSYLVANIA.  
IN GENERAL ASSEMBLY,  
MONDAY, April 2, 1781.

R E S O L V E D,

**T**HAT the honourable THOMAS M'KEAN, Esq. be requested and impowered to revise, compare, correct, and have published in one volume, with marginal notes, and a proper index thereto, all the Laws of Pennsylvania now in force, passed since the thirtieth of September, in the year 1775, with the Constitution of this commonwealth thereto prefixed.

Extract from the Minutes,

SAMUEL STERRET, Clerk.

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IN obedience to the above resolve, I have caused the following volume of the Laws of Pennsylvania, to be printed by Francis Bailey; and besides the Constitution of the commonwealth, have caused to be prefixed, the Declaration of Independence, and the Articles of Confederation of the United States of America; they having a connexion with the present government.

THOMAS M'KEAN.





IN CONGRESS, JULY 4, 1776.

A

# DECLARATION

By the REPRESENTATIVES of the  
UNITED STATES of AMERICA, in  
CONGRESS assembled.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them

## DECLARATION OF INDEPENDENCE.

under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient suffe-  
rance of these colonies ; and such now is the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and when so suspended he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature ; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise ; the state remaining in the mean time exposed to all the danger of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these states ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

## DECLARATION OF INDEPENDENCE.

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He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare

## DECLARATION OF INDEPENDENCE.

warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the united states of America, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be totally dissolved; that as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

J O H N H A N C O C K.

NEW HAMPSHIRE,

DECLARATION OF INDEPENDENCE.

IV

NEW HAMPSHIRE,

$\left\{ \begin{array}{l} Josiah Bartlett, \\ William Whipple, \\ Matthew Thornton. \end{array} \right.$

MASSACHUSETTS BAY,

$\left\{ \begin{array}{l} Samuel Adams, \\ John Adams, \\ Robert Treat Paine, \\ Elbridge Gerry. \end{array} \right.$

RHODE ISLAND, &c.

$\left\{ \begin{array}{l} Stephen Hopkins, \\ William Ellery. \end{array} \right.$

CONNECTICUT,

$\left\{ \begin{array}{l} Roger Sherman, \\ Samuel Huntington, \\ William Williams, \\ Oliver Wolcott. \end{array} \right.$

NEW YORK,

$\left\{ \begin{array}{l} William Floyd, \\ Philip Livingston, \\ Francis Lewis, \\ Lewis Morris. \end{array} \right.$

NEW JERSEY,

$\left\{ \begin{array}{l} Richard Stockton, \\ John Witherspoon, \\ Francis Hopkinson, \\ John Hart, \\ Abraham Clark. \end{array} \right.$

PENNSYLVANIA,

$\left\{ \begin{array}{l} Robert Morris, \\ Benjamin Rush, \\ Benjamin Franklin, \\ John Morton, \\ George Clymer, \\ James Smith, \\ George Taylor, \\ James Wilson, \\ George Ross. \end{array} \right.$

DELAWARE,

$\left\{ \begin{array}{l} Cæsar Rodney, \\ Thomas M'Kean, \\ George Read. \end{array} \right.$

MARYLAND,

$\left\{ \begin{array}{l} Samuel Chase, \\ William Paca, \\ Thomas Stone, \\ Charles Carroll, of Carrollton. \end{array} \right.$

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VIRGINIA,

## DECLARATION OF INDEPENDENCE.

VIRGINIA,

{ George Wythe,  
Richard Henry Lee,  
Thomas Jefferson,  
Benjamin Harrison,  
Thomas Nelson, jun.  
Francis Lightfoot Lee,  
Carter Braxton.

NORTH CAROLINA,

{ William Hooper,  
Joseph Hewes,  
John Penn.

SOUTH CAROLINA,

{ Edward Rutledge,  
Thomas Heyward, jun.  
Thomas Lynch, jun.  
Arthur Middleton.

GEORGIA,

{ Button Gwinnet,  
Lyman Hall,  
George Walton.

T H E



T H E  
C O N S T I T U T I O N  
O F T H E  
C O M M O N W E A L T H  
O F  
*P E N N S Y L V A N I A,*

As established by the GENERAL CONVENTION elected for that purpose, and held at *Philadelphia*, July 15th, 1776, and continued by adjournments to *September 28th, 1776.*

**W**HEREAS all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights, and the other blessings which the author of existence has bestowed upon man; and whenever these great ends of government are not obtained, the people have a right, by common consent to change it, and take such measures as to them may appear necessary to promote their safety and happiness. And whereas the inhabitants of this commonwealth have, in consideration of protection only, heretofore acknowledged allegiance to the king of Great Britain; and the said king has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them employing therein, not only the troops of Great Britain, but foreign mercenaries, savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British parliament, with many other acts of tyranny, (more fully set forth in the declaration of congress) whereby all allegiance and fealty to the said king and his successors, are dissolved and at an end, and all power and authority derived from him ceased in these colonies. And whereas it is absolutely necessary for the welfare and safety of the inhabitants of said colonies, that they be henceforth free and independent states, and that just, permanent, and proper forms of government exist in every part of them derived from and founded on the authority of the people only,

## CONSTITUTION OF PENNSYLVANIA.

only, agreeable to the directions of the honourable American congress. We, the representatives of the freemen of Pennsylvania, in general convention met, for the express purpose of framing such a government, confessing the goodness of the great Governor of the universe (who alone knows to what degree of earthly happiness mankind may attain, by perfecting the arts of government) in permitting the people of this state, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best, for governing their future society; and being fully convinced, that it is our indispensable duty to establish such original principles of government, as will best promote the general happiness of the people of this state, and their posterity, and provide for future improvements, without partiality for, or prejudice against any particular class, sect, or denomination of men whatever, do, by virtue of the authority vested in us by our constituents, ordain, declare, and establish, the following *Declaration of Rights*, and *Frame of Government*, to be the CONSTITUTION of this commonwealth, and to remain in force therein for ever, unaltered, except in such articles as shall hereafter on experience be found to require improvement, and which shall by the same authority of the people, fairly delegated as this frame of government directs, be amended or improved for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

## C H A P T E R I.

*A DECLARATION of the RIGHTS  
of the Inhabitants of the State of Pennsylvania.*

I. THAT all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

II. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understanding: And that no man ought or of right can be compelled to attend any religious worship, or creed or support any place of worship, or maintain any ministry, contrary to, or against, his own free will and consent: Nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil

vil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship: And that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner controul, the right of conscience in the free exercise of religious worship.

III. That the people of this state have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

IV. That all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

V. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community: And that the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish government in such manner as shall be by that community judged most conducive to the public weal.

VI. That those who are employed in the legislative and executive business of the state, may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

VII. That all elections ought to be free; and that all free men having a sufficient evident common interest with, and attachment to the community, have a right to elect officers, or be elected into office.

VIII. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his personal service when necessary, or an equivalent thereto: But no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives: Nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.

IX. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his council,

## CONSTITUTION OF PENNSYLVANIA:

to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for evidence in his favour, and a speedy public trial, by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any man be justly deprived of his liberty except by the laws of the land, or the judgment of his peers.

X. That the people have a right to hold themselves, their houses, papers, and possessions free from search or seizure; and therefore warrants without oaths or affirmations first made, affording a sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property, not particularly described, are contrary to that right, and ought not to be granted.

XI. That in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred.

XII. That the people have a right to freedom of speech, and of writing, and publishing their sentiments; therefore the freedom of the press ought not to be restrained.

XIII. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up: And that the military should be kept under strict subordination to, and governed by, the civil power.

XIV. That a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality are absolutely necessary to preserve the blessings of liberty, and keep a government free: The people ought therefore to pay particular attention to these points in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the state.

XV. That all men have a natural inherent right to emigrate from one state to another that will receive them, or to form a new state in vacant countries, or in such countries as they can purchase, whenever they think that thereby they may promote their own happiness.

XVI. That the people have a right to assemble together, to consult for their common good, to instruct their representatives,

sentatives, and to apply to the legislature for redress of grievances, by address, petition, or remonstrance.

## C H A P T E R . II.

PLAN or FRAME *of GOVERNMENT.*

SECTION 1. **T**H E commonwealth or state of Pennsylvania shall be governed hereafter by an assembly of the representatives of the freemen of the same, and a president and council, in manner and form following—

SECT. 2. The supreme legislative power shall be vested in a house of representatives of the freemen of the commonwealth or state of Pennsylvania.

SECT. 3. The supreme executive power shall be vested in a president and council.

SECT. 4. Courts of justice shall be established in the city of Philadelphia, and in every county of this state.

SECT. 5. The freemen of this commonwealth and their sons shall be trained and armed for its defence under such regulations, restrictions and exceptions as the general assembly shall by law direct, preserving always to the people the right of chusing their colonel and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed.

SECT. 6. Every freeman of the full age of twenty one years, having resided in this state for the space of one whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector: Provided always, that sons of freeholders of the age of twenty one years shall be entitled to vote although they have not paid taxes.

SECT. 7. The house of representatives of the freemen of this commonwealth shall consist of persons most noted for wisdom and virtue, to be chosen by the freemen of every city and county of this commonwealth respectively. And no person shall be elected unless he has resided in the city or county for which he shall be chosen two years immediately before the said election; nor shall any member, while he continues such, hold any other office, except in the militia.

SECT. 8. No person shall be capable of being elected a member to serve in the house of representatives of the freemen of this commonwealth more than four years in seven.

SECT,

## CONSTITUTION OF PENNSYLVANIA.

SECT. 9. The members of the house of representatives shall be chosen annually by ballot, by the freemen of the commonwealth, on the second Tuesday in October forever, (except this present year) and shall meet on the fourth Monday of the same month, and shall be styled, *The general assembly of representatives of the freemen of Pennsylvania*, and shall have power to choose their speaker, the treasurer of the state, and their other officers; sit on their own adjournments; prepare bills and enact them into laws; judge of the elections and qualifications of their own members; they may expel a member, but not a second time for the same cause; they may administer oaths or affirmations on examination of witnesses; redress grievances; impeach state criminals; grant charters of incorporation; constitute towns, boroughs, cities and counties; and shall have all other powers necessary for the legislature of a free state or commonwealth: But they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

SECT. 10. A quorum of the house of representatives shall consist of two thirds of the whole number of members elected; and having met and chosen their speaker, shall each of them before they proceed to business take and subscribe, as well the oath or affirmation of fidelity and allegiance herein after directed, as the following oath or affirmation, viz.

*I —— do swear (or affirm) that as member of this assembly, I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the constitution of this state; but will in all things conduct myself as a faithful honest representative and guardian of the people, according to the best of my judgment and abilities.*

And each member, before he takes his seat, shall make and subscribe the following declaration, viz.

*I do believe in one God, the Creator and governor of the universe, the rewarder of the good and the punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.*

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this state.

SECT. 11. Delegates to represent this state in congress shall be chosen by ballot by the future general assembly at their first meeting, and annually for ever afterwards,

as long as such representation shall be necessary. Any delegate may be superseded at any time, by the general assembly appointing another in his stead. No man shall sit in congress longer than two years successively, nor be capable of re-election for three years afterwards: And no person who holds any office in the gift of the congress shall hereafter be elected to represent this commonwealth in congress.

SECT. 12. If any city or cities, county or counties shall neglect or refuse to elect and send representatives to the general assembly, two thirds of the members from the cities or counties that do elect and send representatives, provided they be a majority of the cities and counties of the whole state, when met, shall have all the powers of the general assembly, as fully and amply as if the whole were present.

SECT. 13. The doors of the house in which the representatives of the freemen of this state shall sit in general assembly, shall be and remain open for the admission of all persons who behave decently, except only when the welfare of this state may require the doors to be shut.

SECT. 14. The votes and proceedings of the general assembly shall be printed weekly during their sitting, with the yeas and nays, on any question, vote or resolution, where any two members require it, except when the vote is taken by ballot; and when the yeas and nays are so taken, every member shall have a right to insert the reasons of his vote upon the minutes, if he desire it.

SECT. 15. To the end that laws before they are enacted may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills of public nature shall be printed for the consideration of the people, before they are read in general assembly the last time for debate and amendment; and, except on occasions of sudden necessity, shall not be passed into laws until the next session of assembly; and for the more perfect satisfaction of the public, the reasons and motives for making such laws shall be fully and clearly expressed in the preambles.

SECT. 16. The stile of the laws of this commonwealth shall be, "Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same." And the general assembly shall affix their seal to every bill, as soon as it is enacted into a law, which seal shall be kept by the assembly, and shall be called, *The seal of the laws of Pennsylvania*, and shall not be used for any other purpose.

## CONSTITUTION OF PENNSYLVANIA.

SECT. 17. The city of Philadelphia and each county of this commonwealth respectively, shall on the first Tuesday in November in this present year, and on the second Tuesday in October annually for the two next succeeding years, *viz.* the year one thousand seven hundred and seventy seven, and the year one thousand seven hundred and seventy eight, chuse six persons to represent them in general assembly. But as representation in proportion to the number of taxable inhabitants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land; therefore the general assembly shall cause compleat lists of the taxable inhabitants in the city and each county in the commonwealth respectively, to be taken and returned to them, on or before the last meeting of the assembly elected in the year one thousand seven hundred and seventy eight, who shall appoint a representation to each, in proportion to the number of taxables in such returns; which representation shall continue for the next seven years afterwards, at the end of which, a new return of the taxable inhabitants shall be made, and a representation agreeable thereto appointed by the said assembly, and so on septennially for ever. The wages of representatives in general assembly, and all other state charges, shall be paid out of the state treasury.

SECT. 18. In order that the freemen of this commonwealth may enjoy the benefit of election as equally as may be until the representation shall commence, as directed in the foregoing section, each county at its own choice may be divided into districts, hold elections therein, and elect their representatives in the county, and their other elective officers, as shall be hereafter regulated by the general assembly of this state. And no inhabitant of this state shall have more than one annual vote at the general election for representatives in assembly.

SECT. 19.. For the present the supreme executive council of this state shall consist of twelve persons chosen in the following manner: The freemen of the city of Philadelphia, and of the counties of Philadelphia, Chester, and Bucks, respectively, shall choose by ballot one person for the city, and one for each county aforesaid, to serve for three years and no longer, at the time and place for electing representatives in general assembly. The freemen of the counties of Lancaster, York, Cumberland and Berks, shall, in like manner, elect one person for each county respectively, to serve as counsellors for two years and no longer. And the counties of Northampton,

# CONSTITUTION OF PENNSYLVANIA.

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thampton, Bedford, Northumberland and Westmoreland, respectively, shall, in like manner, elect one person for each county, to serve as counsellors for one year, and no longer. And at the expiration of the time for which each counsellor was chosen to serve, the freemen of the city of Philadelphia, and of the several counties in this state, respectively, shall elect one person to serve as counsellor for three years and no longer; and so on every third year for ever. By this mode of election and continual rotation, more men will be trained to public business, there will in every subsequent year be found in the council a number of persons acquainted with the proceedings of the foregoing years, whereby the business will be more consistently conducted, and moreover the danger of establishing an inconvenient aristocracy will be effectually prevented. All vacancies in the council that may happen by death, resignation, or otherwise, shall be filled at the next general election for representatives in general assembly, unless a particular election for that purpose shall be sooner appointed by the president and council. No member of the general assembly or delegate in congress, shall be chosen a member of the council. The president and vice president shall be chosen annually by the joint ballot of the general assembly and council, of the members of the council. Any person having served as a counsellor for three successive years, shall be incapable of holding that office for four years afterwards. Every member of the council shall be a justice of peace for the whole commonwealth, by virtue of his office.

In case new additional counties shall hereafter be erected in this state, such county or counties shall elect a counsellor, and such county or counties shall be annexed to the next neighbouring counties, and shall take rotation with such counties.

The council shall meet annually, at the same time and place with the general assembly.

The treasurer of the state, trustees of the loan office, naval officers, collectors of customs or excise, judge of the admiralty, attorneys general, sheriffs, and prothonotaries, shall not be capable of a seat in the general assembly, executive council, or continental congress.

SECT. 20. The president, and in his absence the vice president, with the council, five of whom shall be a quorum, shall have power to appoint and commissionate judges, naval officers, judge of the admiralty, attorney general and all other officers, civil and military, except such as are chosen by the general assembly or the people, agreeable

## CONSTITUTION OF PENNSYLVANIA.

agreeable to this frame of government, and the laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by death, resignation, removal or disqualification, until the office can be filled in the time and manner directed by law or this constitution. They are to correspond with other states, and transact business with the officers of government, civil and military; and to prepare such business as may appear to them necessary to lay before the general assembly. They shall sit as judges, to hear and determine on impeachments, taking to their assistance for advice only, the justices of the supreme court. And shall have power to grant pardons, and remit fines, in all cases whatsoever, except in cases of impeachment; and in cases of treason and murder, shall have power to grant reprieves, but not to pardon, until the end of the next sessions of assembly; but there shall be no remission or mitigation of punishments on impeachments, except by act of the legislature; they are also to take care that the laws be faithfully executed; they are to expedite the execution of such measures as may be resolved upon by the general assembly; and they may draw upon the treasury for such sums as shall be appropriated by the house: They may also lay embargoes, or prohibit the exportation of any commodity, for any time, not exceeding thirty days, in the recess of the house only: They may grant such licences as shall be directed by law, and shall have power to call together the general assembly when necessary, before the day to which they shall stand adjourned. The president shall be commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve thereof. The president and council shall have a secretary, and keep fair books of their proceedings, wherein any counsellor may enter his dissent, with his reasons in support of it.

SECT. 21. All commissions shall be in the name, and by the authority of the freemen of the commonwealth of Pennsylvania, sealed with the state seal, signed by the president or vice president, and attested by the secretary; which seal shall be kept by the council.

SECT. 22. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office, or after his resignation, or removal for mal-administration: All impeachments shall be before the president or vice president and council, who shall hear and determine the same.

SECT.

SECT. 23. The judges of the supreme court of judicature shall have fixed salaries, be commissioned for seven years only, though capable of re-appointment at the end of that term, but removable for misbehaviour at any time by the general assembly; they shall not be allowed to sit as members in the continental congress, executive council, or general assembly, nor to hold any other office civil or military, nor to take or receive fees or perquisites of any kind.

SECT. 24. The supreme court, and the several courts of common pleas of this commonwealth, shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to the perpetuating testimony, obtaining evidence from places not within this state, and the care of the persons and estates of those who are *non compotes mentis*, and such other powers as may be found necessary by future general assemblies, not inconsistent with this constitution.

SECT. 25. Trials shall be by jury as heretofore: And it is recommended to the legislature of this state, to provide by law against every corruption or partiality in the choice, return, or appointment of juries.

SECT. 26. Courts of sessions, common pleas, and orphans courts shall be held quarterly in each city and county; and the legislature shall have power to establish all such other courts as they may judge for the good of the inhabitants of the state. All courts shall be open, and justice shall be impartially administered without corruption or unnecessary delay: All their officers shall be paid an adequate but moderate compensation for their services: And if any officer shall take greater or other fees than the law allows him, either directly or indirectly, it shall ever after disqualify him from holding any office in this state.

SECT. 27. All prosecutions shall commence in the name and by the authority of the freemen of the commonwealth of Pennsylvania; and all indictments shall conclude with these words, "*Against the peace and dignity of the same.*" The stile of all process hereafter in this state shall be, *The commonwealth of Pennsylvania.*

SECT. 28. The person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, *bona fide*, all his estate real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

SECT. 29. Excessive bail shall not be exacted for bailable offences: And all fines shall be moderate.

SECT. 30. Justices of the peace shall be elected by the freeholders of each city and county respectively, that is to say, two or more persons may be chosen for each ward, township, or district, as the law shall hereafter direct: And their names shall be returned to the president in council, who shall commissionate one or more of them for each ward, township, or district so returning, for seven years, removable for misconduct by the general assembly. But if any city or county, ward, township, or district in this commonwealth, shall hereafter incline to change the manner of appointing their justices of the peace as settled in this article, the general assembly may make laws to regulate the same, agreeable to the desire of a majority of the freeholders of the city or county, ward, township, or district so applying. No justice of the peace shall sit in the general assembly unless he first resign his commission; nor shall he be allowed to take any fees, nor any salary or allowance, except such as the future legislature may grant.

SECT. 31. Sheriffs and coroners shall be elected annually in each city and county, by the freemen; that is to say, two persons for each office, one of whom for each, is to be commissioned by the president in council. No person shall continue in the office of sheriff more than three successive years, or be capable of being again elected during four years afterwards. The election shall be held at the same time and place appointed for the election of representatives: And the commissioners and assessors, and other officers chosen by the people, shall also be then and there elected, as has been usual heretofore, until altered or otherwise regulated by the future legislature of this state.

SECT. 32. All elections, whether by the people or in general assembly, shall be by ballot, free and voluntary: And any elector, who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise, shall forfeit his right to elect for that time, and suffer such other penalties as future laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such rewards to be elected, shall be thereby rendered incapable to serve for the ensuing year.

SECT. 33. All fees, licence money, fines and forfeitures heretofore granted, or paid to the governor, or his deputies for the support of government, shall hereafter be paid

paid into the public treasury, unless altered or abolished by the future legislature.

SECT. 34. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each city and county : The officers to be appointed by the general assembly, removeable at their pleasure, and to be commissioned by the president in council.

SECT. 35. The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any part of government.

SECT. 36. As every freeman to preserve his independence, (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility unbecoming freemen, in the possessors and expectants ; faction, contention, corruption, and disorder among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation : And whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature.

SECT. 37. The future legislature of this state, shall regulate intails in such a manner as to prevent perpetuities.

SECT. 38. The penal laws as heretofore used shall be reformed by the legislature of this state, as soon as may be, and punishments made in some cases less sanguinary, and in general more proportionate to the crimes.

SECT. 39. To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishments less necessary ; houses ought to be provided for punishing by hard labour, those who shall be convicted of crimes not capital ; wherein the criminals shall be employed for the benefit of the public, or for reparation of injuries done to private persons : And all persons at proper times shall be admitted to see the prisoners at their labour.

SECT. 40. Every officer, whether judicial, executive or military, in authority under this commonwealth, shall take the following oath or affirmation of allegiance, and general oath of office before he enter on the execution of his office. The oath or affirmation of allegiance : *I —— do swear (or affirm) that I will be true and faithful to the commonwealth of Pennsylvania : And that I will not directly or indirectly do any act or thing prejudicial or injurious*

*to the constitution or government thereof, as established by the convention."* The oath or affirmation of office : *I — do swear (or affirm) that I will faithfully execute the office of — for the — of — and will do equal right and justice to all men, to the best of my judgment and abilities, according to law."*

SECT. 41. No public tax, custom or contribution shall be imposed upon, or paid by the people of this state, except by a law for that purpose: And before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clearly to the legislature, to be of more service to the community than the money would be if not collected; which being well observed, taxes can never be burthens.

SECT. 42. Every foreigner of good character who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land or other real estate; and after one year's residence, shall be deemed a free denizen thereof, and intitled to all the rights of a natural born subject of this state, except that he shall not be capable of being elected a representative until after two years residence.

SECT. 43. The inhabitants of this state shall have liberty to fowl and hunt in seasonable times on the lands they hold, and on all other lands therein not inclosed; and in like manner to fish in all boatable waters, and others not private property.

SECT. 44. A school or schools shall be established in each county by the legislature, for the convenient instruction of youth, with such salaries to the masters paid by the public, as may enable them to instruct youth at low prices: And all useful learning shall be duly encouraged and promoted in one or more universities.

SECT. 45. Laws for the encouragement of virtue, and prevention of vice and immorality, shall be made and constantly kept in force, and provision shall be made for their due execution: And all religious societies or bodies of men heretofore united or incorporated for the advancement of religion or learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities and estates which they were accustomed to enjoy, or could of right have enjoyed under the laws and former constitution of this state.

SECT. 46. The declaration of rights is hereby declared to be a part of the constitution of this commonwealth, and

# CONSTITUTION OF PENNSYLVANIA:

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and ought never to be violated on any pretence whatever.

SECT. 47. In order that the freedom of the commonwealth may be preserved inviolate for ever, there shall be chosen by ballot by the freemen in each city and county respectively, on the second Tuesday in October, in the year one thousand seven hundred and eighty three, and on the second Tuesday in October in every seventh year thereafter, two persons in each city and county of this state, to be called the COUNCIL OF CENSORS; who shall meet together on the second Monday of November next ensuing their election; the majority of whom shall be a quorum in every case, except as to calling a convention, in which two thirds of the whole number elected shall agree: And whose duty it shall be to enquire whether the constitution has been preserved inviolate in every part; and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are intitled to by the constitution: They are also to enquire whether the public taxes have been justly laid and collected in all parts of this commonwealth, in what manner the public monies have been disposed of, and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers, and records; they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the constitution. These powers they shall continue to have, for and during the space of one year from the day of their election, and no longer: The said council of censors shall also have power to call a convention, to meet within two years after their sitting, if there appear to them an absolute necessity of amending any article of the constitution which may be defective, explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people: But the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

# A R T I C L E S

O F

## CONFEDERATION and PERPETUAL UNION;

B E T W E E N

The States of *New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.*

ARTICLE 1. **T**HE style of this confederacy shall be,  
*"The United States of America."*

ART. 2. Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the united states in congress assembled.

ART. 3. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. 4. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be intitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant; provided also that no impositions, duties or restrictions shall be laid by any state, on the property of the united states, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee

from

from justice, and be found in any of the united states, he shall upon demand of the governor, or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence:

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ART. 5. For the more convenient management of the general interests of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state, to recall its delegates or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No state shall be represented in congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or any other for his benefit, receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the united states in congress assembled, each state shall have one vote.

Freedom of speech and debate in congress shall not be impeached or questioned in any court, or place out of congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ART. 6. No state without the consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the united states in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the united states in congress assembled, specifying

## ARTICLES OF CONFEDERATION.

ing accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the united states in congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the united states in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so eminent as not to admit of a delay, till the united states in congress assembled can be consulted: Nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled shall determine otherwise.

ART. 7. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ART. 8. All charges of war, and all other expences that shall be incurred for the common defence or general welfare,

welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the united states in congress assembled, shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in congress assembled.

ART. 9. The united states in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article ; of sending and receiving ambassadors ; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever ; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated ; of granting letters of marque and reprisal in times of peace ; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

The united states in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever ; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state in controversy with another, shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter

in question ; but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen ; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot : and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination : And if either party shall neglect to attend at the day appointed, without shewing reasons which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing ; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive ; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive ; the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress, for the security of the parties concerned : Provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, " well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward :" Provided also, that no state shall be deprived of territory, for the benefit of the united states.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the united states, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The united states in congress assembled shall also have  
the

the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the united states; regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated; establishing and regulating post offices from one state to another, throughout all the united states, and exacting such postage on the papers passing through the same, as may be requisite to defray the expences of the said office; appointing all officers of the land forces, in the service of the united states, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The united states in congress assembled shall have authority to appoint a committee, to sit in the recesses of congress, to be denominated, "*A Committee of the States,*" and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expences; to borrow money, or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and cloath, arm, and equip them in a soldier like manner, at the expence of the united states; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled: But if the united states in congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that

## ARTICLES OF CONFEDERATION.

that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same ; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the united states in congress assembled.

The congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six months ; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy ; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate ; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ART. 10. The committee of the states, or any nine of them, shall be authorised to execute, in the recess of congress, such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with ; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the

the voice of nine states in the congress of the united states assembled is requisite.

ART. XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into and entitled to all the advantages of this union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ART. XII. All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged.

ART. XIII. Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

AND WHEREAS it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorise us to ratify the said articles of confederation and perpetual union. KNOW YE, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm, each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual. IN WITNESS whereof, we have hereunto set our hands in congress.

DONE at Philadelphia, in the state of Pennsylvania, the 9th day of July, in the year of our Lord, 1778, and in the third year of the independence of America.

## ARTICLES OF CONFEDERATION.

The aforesaid articles of confederation were finally ratified on the first day of March, 1781; the state of Maryland having, by their members in congress, on that day acceded thereto, and compleated the same.

NEW HAMPSHIRE,

$$\left\{ \begin{array}{l} Josiah Bartlett, \\ John Wentworth, jun. \end{array} \right.$$

MASSACHUSETTS BAY,

$$\left\{ \begin{array}{l} John Hancock, \\ Samuel Adams, \\ Elbridge Gerry, \\ Francis Dana, \\ James Lovell, \\ Samuel Holten. \end{array} \right.$$

RHODE ISLAND, &amp;c.

$$\left\{ \begin{array}{l} William Ellery, \\ Henry Merchant, \\ John Collins. \end{array} \right.$$

CONNECTICUT,

$$\left\{ \begin{array}{l} Roger Sherman, \\ Samuel Huntington, \\ Oliver Wolcott, \\ Titus Hosmer, \\ Andrew Adams. \end{array} \right.$$

NEW YORK,

$$\left\{ \begin{array}{l} James Duane, \\ Francis Lewis, \\ William Duer, \\ Governeur Morris. \end{array} \right.$$

NEW JERSEY,

$$\left\{ \begin{array}{l} John Witherspoon, \\ Nathaniel Scudder. \end{array} \right.$$

PENNSYLVANIA,

$$\left\{ \begin{array}{l} Robert Morris, \\ Daniel Roberdeau, \\ Jonathan Bayard Smith, \\ William Clingan, \\ Joseph Reed. \end{array} \right.$$

DELAWARE,

$$\left\{ \begin{array}{l} Thomas M'Kean, \\ John Dickinson, \\ Nicholas Vandyke. \end{array} \right.$$

MARYLAND,

$$\left\{ \begin{array}{l} John Hanson, \\ Daniel Carroll. \end{array} \right.$$

VIRGINIA,

# ARTICLES OF CONFEDERATION.

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VIRGINIA,

$\left\{ \begin{array}{l} Richard\ Henry\ Lee, \\ John\ Bannister, \\ Thomas\ Adams, \\ John\ Harvey, \\ Francis\ Lightfoot\ Lee. \end{array} \right.$

NORTH CAROLINA,

$\left\{ \begin{array}{l} John\ Penn, \\ Cornelius\ Harnett, \\ John\ Williams. \end{array} \right.$

SOUTH CAROLINA,

$\left\{ \begin{array}{l} Henry\ Laurens, \\ William\ Henry\ Drayton, \\ John\ Matthews, \\ Richard\ Hutson, \\ Thomas\ Heyward,\ jun. \end{array} \right.$

GEORGIA,

$\left\{ \begin{array}{l} John\ Walton, \\ Edward\ Telfair, \\ Edward\ Longworthy. \end{array} \right.$



### *Directions to the Binder.*

PLACE the Declaration of Independence, the Constitution, and Confederation, next after the Title; and the Index or Table, after the Appendix.



*Johngill*

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# L A W S

ENACTED IN THE FIRST SITTING

OF THE FIRST

GENERAL ASSEMBLY

OF THE

COMMONWEALTH

OF

PENNSYLVANIA,

Which began at Philadelphia, November 28, 1776, and  
was continued by adjournments to March 21, 1777.

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## CHAPTER I.

An ACT to enable a smaller number of the members of assembly than a quorum to collect the absent members, and issue writs for filling vacancies occasioned by neglect or refusal.

1777.  
*The first Year  
of the Commonwealth.*

SECTION I. WHEREAS it is found necessary to impower a less

number than two thirds of the representatives of the freemen of this state, in assembly met, to collect the absent members, in order that the public business may not be delayed;

SECT. 2. Be it therefore enacted, and it is hereby enacted, If a quorum by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the publication of this act, do not meet in six days, speaker may send for absent if inmembers.

## HIS EXCELLENCY

1777.  
 The first Year  
 of the Com-  
 monweal'th.

if a quorum of the members of the general assembly, who have qualified themselves to take their seats in assembly, do not appear in the house for the space of six days after the time to which the house shall adjourn, it shall and may be lawful for the speaker for the time being, by direction of a majority of the members present, to issue his order, commanding the attendance of each respective absent member, or such of them as they may see fit, at the proper cost and charge of such members respectively, except prevented by sickness, or some other occasion, which shall be allowed by the house to be a sufficient excuse for absence; and in that case, the costs shall be paid by order of the house, out of the state treasury.

If two thirds of the members for each country do not meet in ten days, there may be a new election to supply vacancies.

SECT. 3. *And be it further enacted,* That if two third parts of the members of such counties respectively, that do elect and send members to serve in the general assembly of this state, shall neglect or refuse to appear and take their seats in the house, within ten days after the time fixed by the constitution of this commonwealth, the majority of such as do appear in order to take their seats are hereby authorized and impowered to issue their writs to the sheriff or coroner of the respective counties, where such neglect or refusal shall be, commanding him to cause an election to be held, for electing a member or members, to supply every such vacancy in such county, (which election shall be held as the laws of Pennsylvania direct, for filling vacancies in assembly as the same may be altered or revived by this house) which writs shall be as good and available to all intents and purposes, as writs for supplying vacancies in the general assembly can or ought to be, if they were issued by the speaker, by direction of a full house. And the members which shall be so elected shall meet the other members in assembly on the fourteenth day after every such election, to which time and no longer the members that shall issue such writs may adjourn.

JOHN JACOBS, SPEAKER.

*Enacted January 21st, 1777.*  
 T. MATLACK, clerk of  
 the general assembly.

CHAP-

## CHAPTER II.

An ACT to revive and put in force such and so much of the late laws of the province of Pennsylvania as is judged necessary to be in force in this commonwealth, and to revive and establish the courts of justice, and for other purposes therein mentioned.

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of the Commonwealth.

SECTION 1. WHEREAS by the unconstitutional Preamble.

power claimed by the British king and parliament over the American colonies, and the cruel and oppressive measures which the said king and parliament have pursued to establish that power, it became necessary for the colonies to declare themselves free and independent states, which was accordingly done pursuant to a resolve of the continental congress: Whereupon all authority being in any person under the said king consequently ceased, and the laws enacted by his representatives here became of no force or effect, although the same were for the most part suited to the circumstances of the people: And whereas it is absolutely necessary, for the well governing every state, that laws properly adapted to the circumstances of the inhabitants be at all times in force;

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That each and every one of the laws or acts of general assembly that were in force and binding on the inhabitants of the said province on the fourteenth day of May last, shall be in force and binding on the inhabitants of this state from and after the tenth day of February next, as fully and effectually to all intents and purposes as if the said laws and each of them had been made and enacted by this general assembly; and all and every person and persons whosoever are hereby enjoined and required to yield obedience to the said laws as the case may require, until the said laws or acts of general assembly respectively shall be repealed or altered, or until they expire by their own limitation; and the common law and such of the statute laws of England as have heretofore been in force in the said province, except as is hereafter excepted.

All laws in  
force on the  
14th May,  
1776, shall  
be binding  
from and  
after the  
10th Febru-  
ary, 1777.

Also the  
common  
and statute  
laws.

SECT. 3. Provided always, and be it further enacted by the authority aforesaid, That so much of every law or act of

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of general assembly of the province aforesaid, as orders the taking or subscribing any oath, affirmation or declaration of allegiance or fidelity to the king of Great-Britain, or his successors, or oath of office; and so much of every law or act of general assembly aforesaid, as acknowledges any authority in the heirs or devisees of William Penn, esq. deceased, the former governor of the said province, or any other person whomsoever as governor; and so much of every law or act of general assembly as ascertains the number of members of assembly in any county, the time of election, and the qualifications of electors; and so much of every law or act of assembly aforesaid, as declares, orders, directs or commands any matter or thing repugnant to, against, or inconsistent with the constitution of this commonwealth, is hereby declared not to be revived, but shall be null and void, and of no force or effect; and so much of the statute laws of England aforesaid relating to felonies, as takes notice of or relates to treason or misprision of treason, or directs the stile of the process in any case whatsoever, shall be and is hereby declared of no force or effect, any thing herein contained to the contrary notwithstanding.

All courts  
 shall be  
 held at the  
 same times  
 and places  
 as former-  
 ly.

*SECT. 4. And be it further enacted by the authority aforesaid,* That courts of general quarter sessions and goal delivery, and courts of petty sessions, courts of common pleas, orphans courts, and supreme courts, courts of oyer and terminer and general goal delivery, shall be held and kept in each respective county in this state at the times and places directed and appointed by the said laws or acts of general assembly, and circuit and nisi prius courts, as directed in and by an act of general assembly of the said province, passed the twentieth day of May, one thousand seven hundred and sixty seven, intituled, "*An act to amend the act for establishing courts of judicature within this province,*" by the justices and judges that shall be hereafter elected and appointed; the same to commence in each county on the same days of the same months respectively appointed by the said laws for holding such courts that shall be next after the judges or justices of such courts are qualified to hold the same, and shall have, use and exercise all the powers, authority and jurisdiction that by the aforesaid laws, justices and judges of such courts respectively

respectively heretofore have had, used and exercised, and the powers of chancery given to the justices by the constitution of this state, agreeable nevertheless with this act and such other act or acts of general assembly as shall be hereafter made; and every officer of all and every of the courts in this state, that is or shall be appointed, shall have, use and exercise the same or like powers that such officer or officers of the same title, character and distinction might, could or ought to have had, used and exercised under the charter and laws of Pennsylvania, until displaced. And all constables, overseers of the poor, supervisors of the highways, and the wardens and street commissioners of the city of Philadelphia, that were last appointed or elected in the said province, are hereby authorised and strictly enjoined and required to exercise their several and respective powers, and execute, do and perform all the business and duties of their several and respective offices, until others are appointed in their stead and places.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That all persons, who have been appointed to any public office or offices by the said king of Great-Britain, or the late governors of Pennsylvania, or by acts of general assembly aforesaid, are hereby declared to be no longer officers in the several and respective offices to which they were so appointed, the trustees of the loan office only excepted.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That the president and council shall appoint one of the justices in each respective county to preside in the respective courts, and in his absence the justices who shall attend the court shall choose one of themselves president for the time being.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That every action that was in any court in the province of Pennsylvania, at the last term that the said court was held, except discontinued or satisfied, shall be and is hereby declared to be in the same state, and on the same rule, and may be prosecuted in the same manner in the courts in each respective county, to be hereafter held and kept, as if the authority of such court had never ceased; and if any recognizance has been taken and not

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of the Com-  
monwealth.And all of-  
ficers of  
courts shall  
exercise the  
same pow-  
ers as for-  
merly.All consta-  
bles, over-  
seers, super-  
visors, war-  
dens, and  
street com-  
missioners,  
last appoin-  
ted, shall  
continue.All officers  
of the late  
govern-  
ment are  
declared to  
be removed,  
except the  
trustees of  
the loan of-  
fice.President  
and council  
shall ap-  
point a pre-  
sident of  
each court.All actions  
shall be  
continued.

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of the Com-  
monwealth.*And former  
recogniz-  
ances are  
declared  
valid.

returned, it is hereby declared good and valid in law, and shall be returned and prosecuted as the laws direct, saving the stile; and where any person had obtained a judgment before any justice of the peace, for any debt or sum of money, and such judgment not discharged, the person in whose favour the judgment is, may (on producing a transcript of such judgment to any justice of the peace in the county where the defendant dwells or can be found) demand and obtain an execution for the money mentioned in such judgment, which shall be of the same force and effect as if the judgment was obtained before the justices that granted the execution.

Bonds to  
the govern-  
or are de-  
clared va-  
lid.

SECT. 8. *And be it further enacted by the authority aforesaid,* That in all cases whatsoever, where any person, being an officer of the province of Pennsylvania and by direction of the laws of the said province, gave bond to the governor for the use of the province, and the condition of such bond not fully complied with, all such bonds are hereby declared to be in force for the purposes they were designed, and good and available in law, and may be sued and prosecuted in the name of the commonwealth in any court of record within this state, as fully and effectually as such bonds might or could have been heretofore sued and prosecuted under the late government of Pennsylvania, and the money thereby recovered shall be applied as such acts direct, except where any such forfeiture, or part thereof, was granted to the governor, and in that case such forfeiture so granted shall be paid into the state treasury for the public use; and all fines and forfeitures granted to the governor of Pennsylvania, by the laws by this act put in force, shall and are hereby declared to be for the use of the state, and shall be paid into the state treasury.

And all  
fines, &c.  
shall be  
paid into  
the state  
treasury.Stile of  
process.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the stile of the process in all courts and all prosecutions for offences against the state shall be as the constitution directs.

JOHN JACOBS, SPEAKER.

Passed January 28th, 1777. }

T. MATLACK, clerk of }  
the general assembly. }

C H A P-

## CHAPTER III.

1777.

The fifth Year  
of the Com-  
monwealth.

An ACT for making the continental bills of credit, and the bills of credit emitted by resolves of the late assemblies, legal tender, and for other purposes therein mentioned.

SECTION 1. WHEREAS it is highly necessary that Preamble.

the bills of credit emitted and made current by the continental congress, and the bills of credit emitted and made current by the late assemblies of Pennsylvania, ought to be made legal tender in all payments, and to be alike taken by every person in this state in the discharge of debts, and for the purchasing the necessities of life, and materials of defence; and it is evidently necessary that the counterfeiting of the said bills of credit made current by public authority should be prevented;

SECT. 2. Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That, from and after the sixth day of February next, the bills of credit emitted and made current by the continental congress shall pass current in this state, and be received in payments and discharge of all manner of debts, rents, sum and sums of money whatsoever, due, or hereafter to become due, payable, or accruing upon, or by reason of any mortgage, bond, specialty, bill, note, book account, promise, assumption, or any other contract whatsoever, according to the sum which the said bills respectively entitles the bearer thereof to receive, each dollar thereon expressed to be taken and esteemed at the rate or value of seven shillings and six pence, and of equal value in the payment of such debts with a Spanish milled silver dollar, weighing seventeen penny weight and six grains, any clause, proviso, or device, in any bond, note, or other instrument of writing, to the contrary thereof, in any wise notwithstanding.

Bills of credit emitted by congress shall be legal tender, at the rate of seven shillings and six pence for each dollar.

SECT. 3. And be it further enacted by the authority aforesaid, That the bills of credit made current by the resolves of the late assemblies of Pennsylvania, and the bills of credit emitted on loan by an act of assembly of the twenty-sixth of February, one thousand seven hundred and seventy-three, shall, in like manner, be, and they are hereby

Bills emitted by resolves, and on loan, by act of Fe-  
bruary 26,  
1773, shall be legal tender.

declared

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 monwealth.

Penalty on  
 refusing.

declared to be a legal tender, and shall be taken and received in payment and discharge of all manner of debts whatsoever, as aforesaid, according to the sum specified in said bills; and if any person or persons, from and after the said sixth day of February next, shall refuse to receive any of the said bills of credit when properly tendered in payment of any debt, or demand whatsoever, provided the whole of such debt or demand be tendered, he, she or they so refusing, shall be forever barred from suing for, or recovering the same in any court of this state; and if any suit or suits shall be commenced for such debt or demand, after tender and refusal as aforesaid, the defendant may plead payment, and give this act and the special matter in evidence.

Proviso.

SECT. 4. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That after any such tender, as aforesaid, being made, if the creditor to whom such money is tendered shall, within four days next thereafter, make demand of the said debt before two creditable witnesses, it shall and may be lawful for such creditor to sue for and recover such debt; but he shall recover no interest on said debt after such tender, or costs on his action.

Money ten-  
 dered and  
 refused, two  
 thirds shall  
 be paid to  
 the treasur-  
 er of the  
 county, and  
 one third  
 retained by  
 the party  
 tendering.

SECT. 5. *And be it further enacted by the authority aforesaid,* That where any such tender shall, as aforesaid, be made, in order to pay any debt or demand of money due and payable of any kind whatsoever, and refused and not demanded within four days after such tender, as aforesaid, then, and in such case, the said debt or money due, or payable, mentioned in any mortgage, bond, specialty, bill, note, book account, or any other debt whatsoever, is hereby declared to be forfeited, the one third part thereof to the debtor, and the other two third parts to this state; and every such debtor who shall make such tender is hereby directed and required to pay the two third parts of every debt so forfeited, into the hands of the treasurer of the county appointed to receive the state tax, whose receipt shall be a sufficient discharge to such debtor for the monies by this act forfeited, retaining the one third part in his, her, or their own hands.

Sterl. debts  
 shall be paid  
 at the rate of  
 15 percent.

SECT. 6. *And whereas divers persons in this state (taking advantage of the necessities) when they put money on loan*

loan, or in other contracts have bargained with, and bound the borrower or purchaser, to pay the debt in sterling money of Great-Britain, according as the exchange might be between the cities of Philadelphia and London. And as the intercourse between the said cities is now so far obstructed that no such exchange can be ascertained, and except some rule is settled by law the debtor cannot pay his debt though he be so disposed and has in his possession bills of credit for that purpose; for remedy whereof, *Be it further enacted*, That where any person stands bound to pay in sterling money aforesaid, according to the exchange as aforesaid, such creditor shall receive continental bills of credit, or bills of credit of this state in payment and discharge of any such debt, at the rate of one hundred and fifty-five pounds Pennsylvania currency, for one hundred pounds sterling, if tendered as aforesaid, and on refusal thereof shall be deemed and taken to be within the meaning of this act, in cases of refusal of the bills of credit in tender as aforesaid.

**SECT. 7.** *And whereas* bonds or other writings may have been given for money to be paid in half johanneses weighing nine penny weight, or as much in bills of credit as will purchase the same. It is hereby declared and enacted, That eight continental dollars in bills of credit aforesaid, or three pounds in bills of credit of this state aforementioned, or of any of the bills of credit of Pennsylvania, shall be deemed and taken to be worth one gold Portugal half johannes, weighing as aforesaid, and in the same proportion for all other gold coin. And all persons whomsoever, refusing to take and receive such bills of credit in payment and discharge of such debt, and redemption of such bond, or other writing, as aforesaid, shall be deemed and taken to be within the meaning of this act, and shall forfeit such debt, and be in all things dealt with as in this act is directed in cases of refusal on tender.

**SECT. 8.** *And be it further enacted by the authority* Penalty on  
debtor ne-  
glecting to  
inform of  
refusal. *aforesaid*, That every such debtor who shall make tender of any debt or demand as aforesaid, which shall be refused and not again demanded as aforesaid, is hereby directed and required, under the penalty of two shillings

C out

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out of the pound of such debt, within the space of six days, to inform one or more of the commissioners of the county for the time being, elected or appointed to levy the public taxes, of the sum so tendered, and to whom, and the time when, and the names of the witnesses present at such tender. And the commissioners of every county shall keep fair books of entries of all such sums of money forfeited by this act, and lay the same before the committees of assembly appointed to settle the public accounts for the time being, and in case any debtor neglects to give such information, then any other person who gives the first information, shall be entitled to the aforesaid two shillings in the pound, and three pence per mile travelling charges for his trouble.

**Commissi-**  
**oners are**  
**enabled to**  
**sue for two**  
**thirds of**  
**any debts.**

**SECT. 9.** *And be it further enacted by the authority aforesaid,* That the commissioners for the time being of every county in this state are hereby authorized, and required to ask, demand, sue for, and recover two third parts of every debt, or sum of money, so as aforesaid tendered and refused and not afterwards demanded as aforesaid; which action, or actions, suit, or suits, shall be brought or commenced and prosecuted by the said commissioners, by the name and stile of the commissioners of such county; and the process shall be the same, and as effectual in law, as if such mortgage, bond, specialty, or note, was given to such commissioners *bona fide*, for a valuable consideration, or as if such other debt was contracted with said commissioner or commissioners; and, after receiving the same, some one of them, shall enter satisfaction in the records of such mortgage as is required by an act of general assembly of Pennsylvania, in cases of discharging mortgages.

**Debtor ten-**  
**dering may**  
**sue the cre-**  
**ditor for his**  
**bond, &c.**

**SECT. 10.** And if any person or persons, having so, as aforesaid, tendered any money in payment of any debt, and the same being refused and sued for and recovered by the commissioners, or paid without any suit commenced, it shall and may be lawful for every such debtor to ask for, and demand, his, her, or their mortgage, bond, specialty, bill, or note; or a discharge of his, her, or their debt, if it shall be of any other kind or denomination; every such demand being made before two creditable

creditable witnesses, and such creditor refusing, or neglecting to deliver up to such debtor such writing, or give such discharge as aforesaid, it shall and may be lawful for every such debtor to sue for, and recover of and from such creditor, his or her heirs, executors or administrators, a sum of money equal to the sum for which such mortgage, bond, specialty, bill, or note was given, together with interest and costs of suit.

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SECT. 11. *And be it further enacted by the authority aforesaid,* That in every case where any title, deed or deeds, have been, or shall be, lodged or deposited in the hands of any person or persons, to whom any mortgage has been, or may be made, and the money mentioned therein forfeited, as by this act declared, and such mortgager, his or her heirs, executors or administrators, or the owner of the lands and tenements mentioned in such deeds, shall demand the same and be refused; it shall and may be lawful for such mortgager, his or her heirs, executors, or administrators, or such owner of the lands, to sue for and recover of such mortgagee, his or her heirs, executors, administrators, or assigns, a sum of money not exceeding double the value of the lands and tenements mentioned in such deeds; and if any such person or persons as aforesaid, being sued, shall, at any time before the determination of such suit, deliver up to the plaintiff, or lodge such deed or deeds, whole and undefaced in the prothonotary's office of the court wherein such action shall be, and pay the costs of suit, and a sum as the court shall order, not exceeding twenty pounds, to the prosecutor for his trouble, in that case such action shall cease.

And also  
for his title  
deeds.

SECT. 12. And in all cases where tender shall be made as aforesaid, and the person to whom such tender may be made, shall afterwards assign, transfer, or set over any mortgage, bond, specialty; bill, or note, every such person shall be, and is hereby declared to be guilty of fraud, and forfeit and pay to the person to whom such assignment as aforesaid may be made, or to his or her heirs, executors, or administrators, a sum equal to double the sum mentioned in such mortgage, bond, specialty, bill, or note, so assigned or transferred, to be recovered

Penalty for  
assigning  
any debt  
after ten-  
der.

by

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of the Commonwealth.**Penalty for  
refusing to  
take the  
bills of cre-  
dit afore-  
said, or for  
offering  
goods, &c.  
for less in  
gold or sil-  
ver.*

by an action of debt in any court of record in this state.

SECT. 13. *And be it further enacted by the authority aforesaid,* That if any person whatsoever shall, after the said sixth day of February next aforesaid, refuse to take and receive any of the bills of credit aforesaid in payment for any live stock, necessary of life, commodity, manufacture, article, or goods whatsoever, which he, or she, shall sell, or expose to sale, or offer the same for a less price, or smaller sum of money, to be paid in gold, or silver, or in any one sort of the bills of credit, or other current money passing in payment of debts in this state, than in the bills of credit emitted by the continental congress, or in bills of credit emitted by the resolves of assembly aforesaid, every such person shall forfeit to the use of the state a sum of money equal to as much as the sum he or she had refused to take for the commodity so sold, or that he, or she, had asked for, or rated, such stock, necessary of life, commodity, manufacture, articles or goods at, and on proof thereof being made by two creditable witnesses before any one of the justices of the peace of the county, such justice shall (if such sum of money as aforesaid forfeited shall not exceed five pounds) issue his precept in the name of the state in the nature of a summons or capias, as the case may be, and prosecute and recover the sum so proved to be forfeited in the manner prescribed and directed by the laws for recovery of debts not exceeding five pounds, together with costs of suit: And if any such forfeiture as aforesaid shall exceed five pounds, the justice, before whom any such proof shall be made, shall, within six weeks, send an account in writing to the commissioners of the county, or one of them, containing the names of the witnesses proving the same, and the person who, and the sum that he or she has so forfeited, and the said commissioners are hereby enjoined and required, as soon as may be, to sue for and recover such sum or sums of money in the same manner, and when so recovered, pay the same to the same persons as is in this act directed in cases of refusal on tender: And when any justice shall recover any money so as aforesaid forfeited, he shall pay the same to the

*How to be  
recovered,  
&c.*

the treasurer aforesaid, who shall give his receipt for the same; and every justice of the peace in this state shall once in each year send an account to the said commissioners of the sum or sums of money he shall have recovered so as aforesaid forfeited, which the commissioners shall make fair entries of and report the same to the committee of assembly aforesaid for the time being; and the fees or allowance to the said commissioners, for the services and duties by this act required, shall be the same as they have a right by law to take and receive in other cases. And if any of the said commissioners shall refuse or neglect to do and perform his or their duty by this act directed and required, such commissioners respectively shall be fined in a sum of money not exceeding ten pounds by the next court of quarter sessions, and another, or others, appointed in his, or their, stead, by the said court; every such fine to be for the use of the state, and be recovered as fines are directed to be recovered by the act for raising county rates and levies.

**SECT. 14.** *And be it further enacted by the authority aforesaid,* That if any person or persons, from and after the publication of this act, shall counterfeit or alter any of the aforesaid bills of credit with design to increase the value of such bill by this act made a legal tender, or any of the bills of credit made current by any of the assemblies, conventions or congresses of any of the united states of North-America, or utter any of the said bills of credit so counterfeited or altered, knowing them to be such, and being duly convicted thereof, shall suffer all the pains and penalties, fines and forfeitures, which by the late laws of Pennsylvania could or might have been inflicted on any person or persons so offending.

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monwealth.

Penalty for  
counter-  
feiting or  
altering  
any bills of  
credit.

JOHN JACOBS, SPEAKER.

*Passed Wednesday, Janu-*  
*ary 29th, 1777.*  
T. MATLACK, clerk of  
the general assembly.

## CHAPTER IV.

1777.

The first Year  
of the Com-  
monwealth.Preamble.

*An ACT directing the mode and times of electing justices of the peace for the city of Philadelphia, and the several and respective counties in this commonwealth, and for other purposes therein mentioned.*

SECTION 1. WHEREAS it is directed in the constitution of this state, "That justices of the peace shall be elected by the freeholders of each city and county respectively, as the law shall direct;"

Freeholders of Philadelphia and liberties to meet and choose justices of the peace.

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That the freeholders of each ward of the city of Philadelphia, the freeholders of the district of Southwark, and the townships of Moyamensing and Passyunk united, and the township of the Northern Liberties of the said city, are hereby authorized and required, to meet at the state house in the said city, on the twentieth day of February instant, and then and there, each ward in the city, the said united district, and the said township of the Northern Liberties of the city of Philadelphia, for themselves respectively, to elect two fit persons for justices of the peace for each ward, and four fit persons for justices of the peace, for the said united district, (consisting of the district of Southwark, and the townships of Moyamensing and Passyunk aforesaid) and four fit persons for justices of the peace for the said Northern Liberties.

Commissioners and assessors of Philadelphia, Bucks, Chester, Lancaster, Berks, York and Northampton, shall meet and divide their counties into districts.

SECT. 3. And be it further enacted by the authority aforesaid, That the commissioners and assessors who have then been last elected to assess and levy the public taxes of the counties of Philadelphia, Bucks, Chester, Lancaster, Berks, York, and Northampton, or some five of them, in each of the counties aforesaid, for which they were chosen respectively, shall meet together, on or before the twentieth day of February next, at the court house in each respective county, and divide the county of Philadelphia into twelve districts, the county of Bucks into thirteen districts, the county of Chester into fifteen districts,

districts, the county of Lancaster into twenty-two districts, the county of Berks into twelve districts, the county of York into eighteen districts, and the county of Northampton into sixteen districts, and shall appoint and publish the time and place of election, by at least six public advertisements in each respective district, the publication to be at least ten days before the day of election, for which they shall be paid at the same rate as they shall be paid for their other services; and the freeholders of each of the several and respective districts in each of the counties aforesaid, are hereby authorised and required to meet together on the tenth day of March at the place so appointed by the commissioners and assessors, and elect two fit persons for justices of the peace for each district.

*SECT. 4. And be it further enacted by the authority aforesaid,* That if the commissioners and assessors of any of the counties aforesaid shall neglect or refuse to do and perform the duties and services required of them by this act, every such commissioner or assessor so refusing or neglecting to appear at the time herein appointed, (if not prevented by sickness or other unavoidable accident) shall forfeit and pay the sum of twenty pounds to the treasurer for the time being, to be added to the tax raised in such county to defray the public debts of the county, the said forfeiture to be levied and collected by such commissioners and assessors as do so appear, as the county taxes are levied and collected.

*SECT. 5. And be it further enacted by the authority aforesaid,* That the freeholders of each township in the county of Cumberland, are hereby authorized and required to meet on the twenty-fifth day of March next, and the freeholders of each township in the counties of Bedford, Northumberland, and Westmoreland, are hereby authorised and required to meet together on the twenty-fifth day of April next, at some proper place in each township, and elect two fit persons for justices of the peace for each township: but where there is a county town, in any district in this state, not having a charter right to elect burgesses, the freeholders of such district shall elect six fit persons for justices of the peace for such district;

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monwealth.

Freehold-  
ers of each  
township in  
the other  
counties to  
choose two  
persons,  
and county  
towns six.

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One half of  
whom shall  
be commis-  
sioned.

district; but before the freeholders of any ward in the city of Philadelphia, or the district composed of the district of Southwark, and the townships of Moyamensing and Passyunk, and the township of the Northern Liberties of the city of Philadelphia, or any other district or township, shall proceed to the election of justices of the peace, they shall on the same day at the place appointed for the election (if not before done) elect one sufficient person for inspector, and one for an assistant judge, where such district shall consist of more than one township, but where a district shall consist of but one township, the freeholders shall elect one inspector and two assistant judges, and the said judges shall assist the said inspectors in receiving and counting the votes of electors, and preventing frauds and impositions therein. And when the elections are finished, and the numbers cast up, the inspector or inspectors, and judges aforesaid, or a majority of them, shall forthwith transmit a certificate thereof, under their hands and seals, to the president and council, or to the general assembly if then sitting, and one half the number so elected, shall be commissioned, according to the constitution of the state.

Oath, &c. of  
inspectors  
and judges. SECT. 6. *And be it further enacted by the authority  
aforesaid, That before the inspectors and judges proceed  
to receive the votes of the freeholders, they shall take an  
oath or affirmation to the following effect, (speaking the  
words themselves, without any person administering the  
same) to wit, if an inspector, “I do swear, or I do so-  
“ lemnly, sincerely, and truly declare and affirm, that I will  
“ well and faithfully receive, and cast up, all the freeholders  
“ votes within my precinct, as may be offered me at this  
“ election for justices of the peace, and I will not refuse any  
“ vote through prejudice or ill will, nor receive any through  
“ favour or affection, but will behave myself as an honest  
“ inspector of this election, according to the best of my skill  
“ and judgment.” And if a judge of the election, “I  
“ will faithfully assist the inspectors of this election, in per-  
“ forming the duties required of them by this act, according  
“ to the best of my skill and judgment.” And the overseers  
Overseers  
of the poor  
of Cumber-  
land, Bed-  
ford, North-  
land,*

land, are hereby directed and required to appoint a place for holding the said election in their respective townships and give public notice thereof by advertising the same, at six or more public places, at least ten days before the time appointed by this act, under the penalty of ten pounds for every refusal or neglect, to be paid to the person that will sue for the same. But if it shall happen, that any township or townships, shall not have therein any overseers of the poor, at the time aforesaid, it shall and may be lawful for the inhabitants of such township or townships respectively, to meet together at some place as they may agree on, and elect two fit persons for justices of the peace for each of such townships, in the manner before mentioned.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the inhabitants of the boroughs of Chester, Bristol and Lancaster, shall be, and they are hereby authorized and empowered to exercise the right of electing burgesses, constables, and other their officers, as is by their several and respective charters granted to them; and moreover the burgesses of the boroughs of Bristol and Lancaster shall be justices of the peace for the county in which they respectively are, and have equal power with the other justices of the peace for such county, without any further or other commission for that purpose.

SECT. 8. *And be it further enacted by the authority aforesaid,* That when the justices of the peace elected as aforesaid, or that may be appointed by the president and council, have taken the oaths or affirmations, and received their commissions as directed in the constitution of this state, they shall and may exercise all the powers, authority and jurisdiction that the justices of the peace might, could, or ought to have had under the late laws and charter of the province of Pennsylvania, before the fourteenth day of May last, and their precepts shall be in the stile and name of the commonwealth of Pennsylvania, in all cases where the king's name has heretofore been used in such precepts, subject nevertheless to the abridgements, exceptions and regulations made by an act of general assembly of this state, entitled, "An act to revive and put in force such and so much of the late laws

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may choose  
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who shall be  
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"of the province of Pennsylvania as is judged necessary to be  
"in force in this commonwealth, and to revive and establish  
"the courts of justice, and for other purposes therein  
"mentioned."

JOHN JACOBS, SPEAKER.

*Passed in general assembly, on Wednesday,*  
*the 5th of February, 1777.*

T. MATLACK, clerk of the general assembly.

## CHAPTER V.

*An ACT declaring what shall be treason, and what other crimes and practices against the state shall be misprision of treason.*

Preamble. SECTION 1. WHEREAS it is absolutely necessary for the safety of every slate to prevent, as much as possible, all treasonable and dangerous practices that may be carried on by the internal enemies thereof; and to provide punishments in some degree adequate thereto, in order to deter all persons from the perpetration of such horrid and dangerous crimes. Therefore,

SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all and every person and persons (except prisoners of war) now inhabiting, residing, or sojourning within the limits of the state of Pennsylvania, or that shall voluntarily come into the same hereafter to inhabit, reside, or sojourn, do owe, and shall pay allegiance to the state of Pennsylvania.

SECT. 3. And be it further enacted by the authority aforesaid, That if any person or persons belonging to, or residing within this state, and under the protection of its laws, shall take a commission or commissions from the king of Great-Britain, or any under his authority, or other the enemies of this state, or the united states of America; or who shall levy war against the state, or government thereof; or knowingly and willingly shall aid, or assist, any enemies at open war against this state,

All persons now residing in this state owe allegiance to it.

Enumeration of what shall constitute treason.

state, or the united states of America ; by joining their armies, or by enlisting, or procuring or persuading others to enlist for that purpose ; or by furnishing such enemies with arms or ammunition, provision, or any other article or articles, for their aid or comfort ; or by carrying on a traitorous correspondence with them ; or shall form, or be anywise concerned in forming any combination, plot, or conspiracy for betraying this state, or the united states of America into the hands, or power of any foreign enemy ; or shall give, or send, any intelligence to the enemies of this state for that purpose ; every person so offending and being thereof legally convicted, by the evidence of two sufficient witnesses, in any court of oyer and terminer, shall be adjudged guilty of high treason, and shall suffer death ; and his, or her, estate shall be, and is hereby declared to be forfeited to the commonwealth ; except such parts thereof as the judges of the court, wherein such conviction may be, shall order and appropriate to the support of such traitor's children, or wife and children (if any) as to them may appear sufficient, until the same shall be otherwise regulated by act of general assembly.

*SECT. 4. And be it further enacted by the authority aforesaid,* That if any person, or persons, within this state, shall attempt to convey intelligence to the enemies of this state, or the united states of America, or by publicly, and deliberately, speaking or writing against our public defence ; or shall maliciously and advisedly, endeavour to excite the people to resist the government of this commonwealth, or persuade them to return to a dependence upon the crown of Great-Britain, or shall maliciously, and advisedly, terrify or discourage the people from enlisting into the service of the commonwealth ; or shall stir up, excite or raise tumults, disorders or insurrections in the state, or dispose them to favour the enemy, or oppose, and endeavour to prevent the measures carrying on in support of the freedom and independence of the said united states ; every such person, being thereof legally convicted, by the evidence of two or more credible witnesses, in any court of general quarter sessions, shall be adjudged guilty of misprision of treason, and

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shall suffer imprisonment during the present war, and forfeit to the commonwealth one half of his, or her, lands and tenements, goods and chattels.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all offences by this act declared misprision of treason shall be cognizable before any justice of the peace of the city or county where the offence was committed, or where the offender can be found; and every justice of the peace within this state, on complaint to him made on oath or affirmation of one, or more, credible person or persons, shall cause such offender to come before him, and enter into a recognizance with one, or more, sufficient surety or sureties, to be, and appear, at the next court of general quarter sessions for the said city, or county, and abide the judgment of the court; and in the mean time to be of the peace and good behaviour toward all people in the state: and for want of such surety the said justice shall commit such offender to the common goal of the said city, or county: And all persons charged on oath or affirmation, with any crime, or crimes, by this act declared to be treason against the state, shall be dealt with, and proceeded against, as in other capital crimes is by law directed.

JOHN JACOBS, SPEAKER.

*Passed in general assembly, Philadelphia, Tues- }  
day, February 11th, 1777.  
T. MATLACK, clerk of the general assembly. }*

## CHAPTER VI.

*An ACT prescribing the mode and manner of qualifying the commissioners and assessors.*

Preamble.

SECTION 1. WHEREAS it is absolutely necessary for the commissioners and assessors of the respective counties in this commonwealth to enter immediately upon the execution of their offices as the laws direct. And whereas the want of justices in several of the counties aforesaid, renders it impracticable to qualify the commissioners and assessors as directed by the late laws of Pennsylvania. For remedy whereof,

SECT. 2.

SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That the commissioners and assessors of the respective counties in this state, where there are no justices to qualify them, be required and enjoined, and they are hereby required and enjoined, to meet together at their respective court houses, on or before the twentieth day of February instant, and the commissioners aforesaid, or any one of them, shall cause their clerk to write in their minute book the following words, to wit, “*I do swear* “(or affirm as the case may be) *that I will well, truly* “*and faithfully perform, do and execute the several and* “*respective duties required of me by the laws of this* “*state as a commissioner of the county of* \_\_\_\_\_ “*in this commonwealth, according to the best of my* “*skill and abilities, and herein I will spare no person,* “*through fear, favour, or affection, nor grieve any through* “*hatred, or ill will;*” and when such words are wrote as aforesaid, the commissioners, each one for himself, shall take up the aforesaid writing and repeat the words, and when each commissioner shall have repeated the words aforesaid, he shall subscribe his name thereto: And in the counties where there is a justice, or justices, the said commissioners shall take an oath or affirmation of the same import before one of the justices, who is hereby enjoined and required to administer the same; which oath or affirmation, shall be entered in the said commissioners minute book as aforesaid.

SECT. 3. And be it further enacted by the authority aforesaid, That the assessors of the respective counties in this commonwealth are enjoined and required, to take an oath or affirmation; which oath or affirmation shall be in the same words as is directed in this act to be taken by the commissioners, excepting the word commissioner, in the stead of which the word assessor shall be used. And the commissioners, or any one of them (having taken the oath as herein before directed) are hereby authorised and required to administer the same; which oath, so taken, shall be subscribed by the assessors aforesaid and certified by the commissioner.

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SECT. 4. *And be it further enacted by the authority aforesaid, That the oaths and affirmations, taken as directed in this act, are hereby declared to be as binding, to all intents and purposes, on all persons, as the oaths and affirmations administered and taken according to the form prescribed by the laws of Pennsylvania.*

JOHN JACOBS, SPEAKER.

Passed in general assembly, on Wednesday,

February 12th, 1777.

T. MATLACK, clerk of the general assembly.

## CHAPTER VII.

*An ACT directing the mode of collecting the fines imposed on persons who did not meet and exercise in order to learn the art military, according to the resolves of the late assembly of Pennsylvania.*

Preamble. SECTION 1. WHEREAS by a resolve of the late house of assembly, dated the fifth day of April, one thousand seven hundred and seventy six, imposing a fine on all able bodied effective male white persons capable of bearing arms, not associators, between the ages of sixteen and fifty years; ministers of the gospel of all denominations, schoolmasters, in actual employ, and servants purchased bona fide and for a valuable consideration only excepted.

SECT. 2. *And whereas (to the great discouragement and dissatisfaction of the spirited and virtuous associators in this state) the fines have not been collected: Therefore for making effectual the said resolve,*

Commissioners shall appoint proper persons to make returns of all males between sixteen and fifty.

SECT. 3. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the three commissioners, who, at the time of their meeting shall then have been last elected in each county respectively in this commonwealth, or any two of them, be required and enjoined, and they are hereby required and enjoined to meet together, at the court house*

house in their respective counties, on the twenty eighth day of February instant, and appoint a proper person in each ward, township and district, under their hands and seals, to make a return to them, in writing of the names and surnames of every male white person capable of bearing arms, at the time of passing the said resolves by the said late assembly, between the ages of sixteen and fifty years, ministers of the gospel of all denominations, schoolmasters in actual employ, and servants purchased *bona fide* and for a valuable consideration only excepted, where such returns have not already been made.

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SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or persons, appointed as aforesaid, shall neglect or refuse to perform the duty aforesaid, the commissioners aforesaid of the respective counties, or any two of them, are hereby required and enjoined to fine him or them, in any sum not exceeding twenty pounds, and such fine shall be levied and recovered in the same manner as hath been heretofore directed by the laws of Pennsylvania for levying and recovering fines imposed on assessors refusing, or neglecting to perform the duties therein required of them; which fines shall be paid into the hands of the respective county treasurers, to be by them applied to the same use as other monies directed to be levied by this act: And the commissioners aforesaid, or any two of them, are hereby enjoined and required to appoint some proper person to make out the lists aforesaid, in the place of the person first appointed, who shall make out such lists and return them to the commissioners on or before the twenty seventh day of March next ensuing.

Commissi-  
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SECT. 5. *And be it further enacted by the authority aforesaid,* That every person appointed as aforesaid shall, before he enters upon the duty of his office, take an oath or affirmation, which any justice, commissioner or county assessor, is hereby authorised and required to administer without fee or reward (if a person of the first appointment) that he will make a faithful and diligent enquiry, and endeavour by proper and lawful ways and means to procure a true and exact account and list of the names and surnames, of all male white persons capable of bearing arms, who were between the ages of sixteen and fifty years, before the last

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last Monday in February last past, residing within his township, borough, ward or district, and will make a just and true return of such account or list to the commissioners aforesaid on or before the eleventh day of March next ensuing, or (if a person not of the first appointment) on or before the twenty seventh day of March next ensuing; and every person appointed and acting as aforesaid shall receive, for his trouble in making out and returning such lists, the sum of five shillings for every day he shall be employed in that service. And if any dispute shall arise concerning the age of any nonassociator, the same shall be determined by the commissioners aforesaid, who shall be judges of the evidence produced in favour of such non-associator.

*SECT. 6. And be it further enacted by the authority aforesaid,* That the captain or commanding officer of each company is hereby required and enjoined, on or before the twentieth day of March next ensuing, to deliver under his hand to the colonel or commanding officer of the battalion to which he belongs, a list of all the persons belonging to his company who have at any time signed the articles of association, therein mentioning the time of their first signing the said articles, the county and township, borough, ward or district, in which each of the said associators resides, which the colonel or commanding officer shall carefully keep, and therefrom shall immediately make out and return on or before the twenty seventh day of March a fair duplicate to the commissioners aforesaid, except the same be already done.

*SECT. 7. And be it further enacted by the authority aforesaid,* That the commissioners aforesaid respectively, or any two of them, are hereby required and enjoined to cause their clerks to make out fair lists of the names and surnames of all persons mentioned in the duplicates returned to them as aforesaid, with the places of abode of those who appear, by the duplicates returned by the colonels or commanding officers, not to have signed the articles of association, and thereupon the said commissioners are required to charge every such person not associating the sum of three pounds ten shillings on the list made out on their order as aforesaid, and every person who hath signed the articles of

of association after the last Monday of February last, three shillings and six pence for each and every parade day appointed by the aforesaid resolves before his signing as aforesaid; all which lists as aforesaid shall be made out on or before the tenth day of April next, on which day the assessors of the city, and the assessors of the counties respectively, or any four of them, and one or more of the commissioners shall meet together, at the county court house, or such convenient place as the said commissioners shall appoint, and appoint a proper person in each township, ward and district, in the same manner as directed in the county levy act of Pennsylvania for collecting the county taxes, to collect the fines aforesaid; which collectors so appointed shall have the same powers and authorities as the collectors appointed by virtue of the county levy act aforesaid for collecting county taxes have had and exercised, or ought to have and exercise.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if any collector, appointed as aforesaid, shall refuse or neglect to do and perform his several and respective duties as required by this act, he shall forfeit and pay the sum of twenty pounds, to be recovered in the same manner as fines are directed to be recovered from the collectors appointed by virtue of the county levy act aforesaid, upon their neglect or refusal, and to be paid into the same hands, and applied to the same uses, as other money raised by virtue of this act: And in such case, the commissioners of the counties respectively, or any two of them, shall appoint another collector in his stead, who shall have the same power and authority as the other collectors aforesaid, and be subject to the same fines and forfeitures as aforesaid.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if any apprentice was willing to associate, and his master or mistress did not permit him so to do, or detained him from going to the parade on any of the days of exercise appointed by the resolves of the late assembly, such master or mistress shall be liable to the payment of three shillings and six pence for each time he or she did hinder or so detain his or her said apprentice;

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and if such apprentice shall have neglected or refused to appear on any of the said days of exercise, not being detained by his said master or mistress, he, if of estate, shall, by his guardian, pay such fine, and the father or mother of any minor or minors associators and nonassociators, being in the service of his father or mother, shall be accountable to the collector for his or their fines charged as aforesaid.

**Fines on commis-  
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assessors re-  
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recovered.**

SECT. 10. *And be it further enacted by the authority aforesaid,* That if any commissioner, or city or county assessor, shall neglect or refuse to perform any of the duties required of him by this act, such commissioner or assessor shall forfeit and pay the sum of thirty pounds for every such offence; such fine to be levied and recovered in the same manner as the fines are directed to be levied and recovered in the county levy act aforesaid, and paid and appropriated in the same manner and for the same purposes as the other monies raised by virtue of this act; and in such case the commissioner or commissioners, and assessors, who shall proceed agreeable to the directions of this act, or a majority of them, are hereby enjoined to appoint another suitable and proper person to act in his stead so refusing or neglecting as aforesaid; which person so appointed, shall have the same power and authority, and perform the several duties hereby required of the said commissioners and assessors, and on failure thereof shall forfeit and pay the sum of thirty pounds to be applied as aforesaid.

**Proviso.**

SECT. 11. *Provided nevertheless, and it is hereby enacted by the authority aforesaid,* That those who have formed themselves into regular companies and signed written articles of association, agreeable to the intentions of the resolves of the late assembly, and have attended the parade, and mustered the number of twenty days within the time limited by the said assembly (unless having marched into the Jerseys on actual service) shall be considered in the same light, and dealt with in the same manner, as those who have signed the articles of association framed by the late house of assembly. And that such as have not signed any association whatever, nor attended to any particular muster days, yet on the first call of the associators

ators last summer, did chearfully turn out to camp and serve the time then required of the associators in defence of the American states, shall be deemed as associators from the time of their engaging in the said service.

**SECT. 12.** *And be it further enacted by the authority aforesaid,* That if any nonassociator, or the parent, guardian, master or mistress, of any nonassociator between the ages of sixteen and twenty one years, or any other nonassociator, shall think him or herself aggrieved by the assessment aforesaid, he or she may appeal to the county commissioners, where he or she resides, who, or any two of them, shall meet together, on or before the twelfth day of May next ensuing, and so from day to day as long as may be necessary, and at such place or places as the commissioners, or any two of them, shall appoint, of which days and places of meeting they shall cause the collectors to give due notice to the persons so charged, or by this act made liable to the fines as aforesaid, and also return the names of all persons omitted or not charged in their duplicates respectively, who are made fineable by this act; and then and there the said commissioners, or any two of them, shall hear such appeals as may be made to them, and may discharge such assessment, or lower the same, as to them on consideration of inability of person or estate (only) shall appear just and equitable.

**SECT. 13.** *And be it further enacted by the authority aforesaid,* That the said commissioners of the counties respectively, or any two of them, within ten days after hearing and determining the appeal made to them, shall rectify and adjust the lists returned to them as aforesaid, and the assessments thereon, and deliver to the treasurers of the counties respectively a true account of the sum total which every collector shall be charged with, in pursuance of this act, and shall cause their clerks to make out and deliver fair duplicates thereof, to the respective collectors of the townships, boroughs, wards and districts, within the said city and counties respectively, who shall collect the said sums, and shall pay the same into the hands of the county treasurer respectively, who shall pay the same into the hands of the state treasurer for

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the time being, to be applied in such manner as this or any future house of assembly shall direct; and the commissioners and assessors shall be allowed seven shillings and six pence per diem, for their service aforesaid; and all persons shall be liable to the payment of the said sums, in the same manner, and the collectors shall have the same powers, and shall proceed in collecting and levying the said sums, and shall be accountable in the same manner, as is directed by the act of general assembly of Pennsylvania, entitled, "*An Act for raising county rates and levies, for collecting the county taxes:*" and the collectors shall have for their care and trouble in collecting the said fines one shilling in the pound for all such monies collected as aforesaid; and the treasurer shall have for his care and trouble in receiving from the collectors, delivering to the state treasurer, and paying the commissioners orders, one per cent. and the state treasurer shall have, for his trouble, one fourth per cent.

*Treasurers  
to give se-  
curity.*

SECT. 14. *And be it further enacted by the authority aforesaid,* That the treasurers of the counties respectively, before they enter on the duties hereby required of them, shall give security to the commissioners for the faithful discharge of their office, in the sum of fifteen hundred pounds.

JOHN JACOBS, SPEAKER.

*Passed in general assembly, on Friday,*  
*February the 14th, 1777.*  
 T. MATLACK, clerk of the general assembly.

## CHAPTER VIII.

*An ACT authorising the collectors of the excise due, and to become due on spirituous liquors, to collect the same, and directing the mode of obtaining tavern and other licences, and for other purposes therein mentioned.*

Preamble. SECTION 1. WHEREAS, by the ceasing of the powers of government in the province of Pennsylvania, the several and respective collectors of excise, imposed on spirituous liquors by the laws late of the said

said province, could not collect the same, as by the said laws they were directed and required, although the same was and still is absolutely necessary for the purposes of defraying the expences of government, and sinking the bills of credit emitted by resolves of the late assembly for the public defence; and although it is evident that dealers in liquors have received greater profits on such liquors, than was customary heretofore, or than is just and reasonable, to the increasing their own estates, and the injury of many of the good people of the slate. And as it is also just and reasonable that all persons who make great profits and advantage by the public should contribute to the public expence accordingly;

SECT. 2. Be it therefore enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,

Former collectors of excise to continue.

That the collector of excise on spirituous liquors in each county in this state, who was appointed to that office by the last assembly of the said province, shall be and continue collector of the excise on spirituous liquors in the county for which he was so appointed (if living) until another shall be appointed in his stead; and the said collectors, and every of them, and such others as may be hereafter appointed, shall have, use and exercise all the powers and authority which collectors of the excise might, could or ought to have had, used and exercised under, or by virtue of the said laws, and shall in all things respecting the duties of the said office, be governed by the laws aforesaid: And all persons whosoever, that by the laws aforesaid ought to have paid excise, if the force and effect of the said laws had not ceased, shall be, and are hereby declared to be within the meaning and intention of this act, and shall pay the duty or excise on all liquors they and each of them have purchased, and not paid excise for, according to the said laws, as far as can be known and discovered. And all retailers of spirituous liquors and every other person coming under, or within the notice of the said laws, are hereby declared to be and to have been subject to all the duties of excise, fines and forfeitures, pains and penalties, by the said laws inflicted, or directed to be collected, paid, taken and received, as fully and amply as the same

All excise due by former laws shall be paid.

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Preamble.

could or might have been done at any time before the fourteenth day of May last.

SECT. 3. *And whereas it is represented to this house, That divers tavern keepers, public house keepers, beer house keepers, and keepers of dram shops have not taken out licences, or paid licence fees, as the laws of the said province directed and required, although they have continued their respective businesses as before, and received as great profits and emoluments therefrom as those who have taken and paid for such licences. Now in order that equal justice may be done to all, and the licence fees applied to the use of the state, according to the true intent and meaning of the constitution thereof;*

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vengers,  
who have  
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cence, shall  
pay as  
usual.*

SECT. 4. *Be it enacted by the authority aforesaid, That where any person had kept a tavern, inn, public house of entertainment, ale house, beer house or dram shop, by the governor's licence, in the year one thousand seven hundred and seventy five, and did not take out a licence for the year one thousand seven hundred and seventy six, although they continued to keep such tavern, public house, ale house or dram shop, every such person is hereby declared indebted to this state a sum of money equal to the sum he or she had last paid, or ought to have paid for such licence, agreeable to the laws aforesaid. And every person who has (without licence) set up and kept a tavern, public house of entertain-  
ment, inn, ale house, beer house or dram shop, and continued the same for the space of three months in the years one thousand sevend hundred and seventy six, and one thou-  
sand seven hundred and seventy seven, is hereby declared to be indebted to this state a sum of money equal to the fees or sum of money directed by the laws aforesaid to be paid for a licence for keeping such house, tavern or dram shop, which shall be recovered by the collector of the excise for the respective counties in the same manner as fines and for-  
feitures are directed to be recovered by the laws aforesaid; and when recovered shall be considered as fines or for-  
feitures, and paid into the treasury with the other fines and excise monies; and the collectors shall have the same al-  
lowance, or pay, for collecting, as by the said laws he ought to have for collecting fines and forfeitures.*

SECT. 5. *And be it further enacted by the authority  
aforesaid,*

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monwealth.*

**aforesaid,** That no person or persons whatsoever within this state, shall set up or keep a tavern, inn, public house of entertainment, ale house, beer house or dram shop, unless such person or persons be first recommended by the justices in the respective county courts of quarter sessions for the said county, to the president and council of this state for the time being, for a licence for so doing, who shall (on such person having given bond, and paid to the clerk of such court respectively, the whole of the fees, as directed by the laws aforesaid, to be paid for such licence) grant the same, and the secretary of the council of this state shall have for making out each licence the sum of six shillings: And if any person or persons shall keep any tavern, inn, public house of entertainment, ale house, beer house or dram shop, by virtue of a licence from the president aforesaid, he, she or they, shall be in all things subject to the rules, regulations and restrictions of the said laws, in such cases made and provided, where the licence was to be granted by the governors of Pennsylvania: And if any person or persons shall keep any tavern, inn, public house of entertainment, ale house, beer house or dram shop, without first obtaining a licence for each respective year, all and every such person and persons shall, for every such offence, be dealt with as the said laws in such case direct.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That the clerk of the court of each respective county shall pay all such monies as he shall receive (his own lawful fees only excepted) into the state treasury forthwith, after the term at which such recommendations were granted, and transmit an account of the number of such licences, and the sum of money so received, and paid into the hands of the treasurer, to the committee appointed by the assembly, to settle the public accounts for the time being, which monies shall be subject to the draughts and orders of the house of assembly.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the president, and in his absence the vice president of this state, shall grant licences in all cases where the governors of Pennsylvania have heretofore granted licences, and the fees shall be the same as have heretofore usually been in like cases, and shall be paid into the hands of

Taverners to be first recommended, give bond, and take out licence.

Fee to the secretary.

Penalty, as by the former laws.

Clerks of the county courts shall pay the licence money, &c.

President shall grant the licences.

## H I S E X C E L L E N C Y

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of the Com-  
monweal'th.**Secretary  
his duty  
and fee.**Pedlers and  
hawkers  
included.*

of the state secretary (except in the case aforesaid) and the said secretary shall make fair entries of all such monies he shall so receive, and shall once in three months, or oftener, pay the same into the hands of the treasurer aforesaid for the use of the state, retaining in his hands the sum of five shillings for his trouble in making out each of the said licences and affixing the seal to the same, and shall transmit an account thereof, on oath or affirmation, to the committee of accounts for the time being, appointed by the general assembly to settle the public accounts.

SECT. 8. *And be it further enacted by the authority aforesaid,* That all pedlers, hawkers and petty chapmen shall be, and are hereby declared to be within the meaning and intention of this act.

JOHN JACOBS, SPEAKER.

*Passed in general assembly, on Tuesday,*  
*February the 18th, 1777.*

T. MATLACK, clerk of the general assembly.

## C H A P T E R IX.

*An ACT to discourage desertion, and to punish all such persons as shall harbour or conceal deserters.*

Preamble.

SECTION I. WHEREAS many soldiers being duly enlisted or employed in the service of the united states of America, and others in the service of this state, desert and absent themselves illegally from their respective duties, to the great prejudice of the service, and the ill example of others: In order, therefore, that an evil so dangerous in its consequences may be properly discouraged, and (if possible) finally prevented, and the encouragers and abettors thereof duly punished;

Constables to apprehend deserters, and carry them before a justice, who shall commit them.

SECT. 2. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That it shall and may be lawful to and for the constable of the township, ward or borough, where any person who shall be suspected to be a deserter shall be found

found, and he is hereby authorised and required to apprehend, or cause him to be apprehended and brought before any justice of the peace of this state, living in or near such place, who is hereby authorised and required to examine such suspected person; and if by his confession, or the testimony of one or more witness or witnesses, upon oath or affirmation, or by the knowledge of such justice of the peace, it shall appear that such suspected person is an enlisted soldier, and ought to be with the troop or company to which he belongs, such justice of the peace shall forthwith cause him to be conveyed to the goal of the county where he shall be found, and the sheriff of the county shall forthwith transmit an account thereof to the colonel or commanding officer of the battalion to which the said deserter shall belong, or of the nearest battalion, to the end that such person may be proceeded against according to the martial law of the united states; and the keeper of such goal or house of correction, shall receive the full subsistence of such deserter or deserters, but shall not be entitled to any fee or reward, on account of the imprisonment of such deserter or deserters, any law, usage, or custom to the contrary notwithstanding. And for the better encouragement of every constable to secure or apprehend such deserters as aforesaid,

SECT. 3. *Be it further enacted by the authority aforesaid,* That the officer to whom said deserter shall be delivered, shall pay into the hands of the goaler or sheriff where such deserter shall be apprehended and detained, the sum of three dollars, over and besides the reward ordered to be paid by congress for each deserter he shall so deliver, for the use of the constable or constables who hath or have apprehended the said deserter or deserters.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person shall harbour or entertain for the space of six hours by day, or twelve hours by night, any deserter or deserters, knowing him or them to be such, without apprehending him or them, or giving notice thereof to the next justice of the peace, or to some constable, every such person so offending, shall

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Officer shall  
pay three  
dollars for  
each desert-  
er.

Penalty on  
persons  
harbouring  
deserters,

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of the Com-  
monwealth.  
or buying  
arms, &c.

and how to  
be recover-  
ed.

forfeit and pay for every such offence, the sum of five pounds; or if any person shall knowingly detain, buy, or exchange, or otherwise receive any arms, caps, clothes, or other furniture, or accoutrements, belonging to the united states of America, or either of them, from any soldier or deserter upon any account or pretence whatsoever, or cause the colour of such clothes to be changed, the person or persons so offending, or being thereof legally convicted, shall forfeit and pay over and above the value thereof, the sum of five pounds, one moiety thereof, and of the last mentioned fine, to the overseers of the poor of the township, for the use of the poor thereof, and the other moiety to the informer; and in case any such offender, who shall be convicted as aforesaid, of harbouring or assisting any such deserter or deserters, or having knowingly received any arms, clothes, caps, or other furniture belonging to the said united states, or either of them, or having caused the colour of such clothes to be changed, contrary to the intent of this act, and shall not have sufficient goods or chattels whereon distress may be made, to the value of the penalties and forfeitures incurred by him, her, or them for such offence, or give sufficient sureties for the payment of such penalties within sixty days after such conviction, then and in such case any two justices of the peace, shall and may by warrant, under their hands and seals, either commit such offender to the common goal, there to remain without bail or mainprise for the space of six weeks, or cause such offenders to be publicly whipped on his or her back, with any number of lashes not exceeding twenty one.

Proviso.

SECT. 5. *Provided always,* That no commissioned officer, or any other person, shall break open any house to search for deserters, without a warrant from a justice of the peace; and every commissioned officer or any other person, who shall, without warrant from one or more justice or justices of the peace of this state, (which said warrant the said justice or justices are hereby empowered to grant) forcibly enter into, or break open, the dwelling house or out house of any person whatsoever, under pre-

tence

tence of searching for deserters, shall, upon due proof thereof, forfeit and pay the sum of thirty pounds to the owners of such house, and make good all damages he, she or they may sustain by such breaking.

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monwealth.

SECT. 6. *And be it further enacted by the authority Constables to go to sus-  
aforesaid, That the constables of each ward in the city of pected  
Philadelphia, the district of Southwark, and of every places.  
township in this state respectively, are hereby enjoined  
and required, under the penalty of twenty shillings for  
every neglect, to go as often as the case may require, to  
every suspected place or house in their township or the  
adjacent townships that they shall suspect or be informed  
of, and apprehend every suspected person, and take him  
or them before the next justice, and if on examination  
it shall appear probable, that he or they is, or are a de-  
serter or deserters, such justice shall commit him or  
them to the county goal, until it shall be known whether  
he or they be a deserter or deserters or not; and if any Who may  
able bodied man shall travel or come into any part of be appre-  
this state, without a pass from some justice of the hended as  
county, or some other justice of the peace from whence  
he may have come, or if a soldier, from his commanding  
officer, every such person so travelling or coming into  
the state as aforesaid, shall be deemed and taken to be  
a deserter, and within the meaning of this act, except  
the contrary be made appear; and every constable is  
hereby authorised (it need be) to call to his aid sufficient  
assistance (men of the neighbourhood) to apprehend any  
deserter or deserters, and if any person or persons so called  
or commanded, to assist the constable, shall disobey or  
refuse such assistance, on complaint thereof made to the  
next justice, every person so refusing, shall, if convicted,  
forfeit and pay to the said justice, the sum of twenty  
shillings, one moiety to the use of the poor of the town-  
ship where such refusal shall be, and the other for the  
use of the constable, to be recovered as debts under  
forty shillings; and in order to encourage the appre-  
hending deserters, every person, not a constable, who  
shall apprehend any deserter, and deliver him to some  
constable, shall be entitled to receive for every such  
deserter,*

Penalty for  
refusing to  
assist them.

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deserter, the sum of twenty shillings, to be paid out of the state treasury, or if he conveys such deserter to the county goal, he shall be entitled to the same reward as constables by this act are entitled to receive.

JOHN JACOBS, SPEAKER.

*Passed in general assembly, on Thursday,*  
*February 20th, 1777.*

T. MATLACK, clerk of the general assembly.

## CHAPTER X.

An ACT to make effectual bonds heretofore given to the governors of Pennsylvania by the several officers of government for the faithful discharge of their respective offices.

Preamble. SECTION I. WHEREAS under the late government of the province of Pennsylvania, divers officers were by the laws of the said province directed and required to give bond to the governor for the time being, with sufficient sureties, for the just and faithful performance and discharge of the duties and trust of their respective offices, which said bonds were intended for the use and indemnity of such of the inhabitants as might be injured by such officers refusing or neglecting to do and perform the respective duties of their offices in the manner they ought to do. In order, therefore, that all such bonds may have the effect and use for which they were given,

All bonds given to the late governors shall be valid.  
 SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all and singular bonds, or obligations, that have been executed and given by the officers of government in the said province to any governor thereof, conditioned for the faithful discharge of their respective offices, are hereby declared to be valid, good and effectual in law for the uses and purposes for which they were executed

executed and given; and actions, or suits, may be commenced, sued and prosecuted on any, or every of such bonds, or writings obligatory, as fully and effectually as might, could or ought to have been in cases of the like nature under the late government aforementioned; and the action, or actions, that may be so brought or commenced, shall be in the name of the president of the commonwealth of Pennsylvania.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in all cases where by the laws aforesaid the governor is mentioned in the said laws as the person impowered to put the same in execution, it is hereby declared that the president of this state for the time being shall be deemed and taken to be in the place and stead of the governor and within the meaning and intention of the law, and in all such cases as aforesaid the president is hereby declared to have, and ought to have and exercise, equal powers and authority to order and direct the execution and performance thereof as any governor had, or ought to have had, and his orders and directions shall be and are hereby declared to have equal force, power, authority and effect, which those heretofore issued and given by the governors of Pennsylvania have heretofore had, or ought to have had and exercised.

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monwealth.

President to  
be instead  
of the go-  
vernor, and  
to have e-  
qual power  
in certain  
cases.

JOHN JACOBS, SPEAKER.

*Passed March 11th, 1777.*  
JOHN MORRIS, junior,  
clerk of the general assembly.

## CHAPTER XI.

An ACT to empower the justices of the peace for the city of Philadelphia to do and perform certain matters and things formerly directed to be done and performed by the mayor, recorder, and aldermen of the said city.

SECTION I. WHEREAS by an act of the general Preamble, assembly of the province of Pennsylvania, passed on the seventh day of June in the year of our K Lord

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monwealth.

Lord one thousand seven hundred and twelve, intitled, “*An Act for raising money on the inhabitants of the city of Philadelphia for the public use and benefit thereof;*” and by one other act, intitled, “*An Act for regulating party walls, buildings, and partition fences in the city of Philadelphia;*” and by one other act, passed the twenty first day of October in the year of our Lord one thousand seven hundred and sixty one, intitled, “*An Act for the better employment, relief and support of the poor within the city of Philadelphia, the district of Southwark, and the townships of Moyamensing, Passyunk, and the Northern Liberties;*” and by one other act, passed the eighteenth day of February in the year of our Lord one thousand seven hundred and sixty nine, intitled, “*An Act for regulating, pitching, paving, and cleansing the highways, streets, lanes and alleys, and for regulating, making, and amending the water courses and common sewers within the inhabited and settled parts of the city of Philadelphia, for raising money for defraying the expence thereof, and for other purposes therein mentioned;*” and by one other act, passed the ninth day of March in the year of our Lord one thousand seven hundred and seventy one, intitled, “*An Act for the relief of the poor;*” and by one other act, passed the same day, intitled, “*An Act for regulating and continuing the nightly watch, and enlightening the streets, lanes, and alleys in the city of Philadelphia, and for other purposes therein mentioned,*” the aid and assistance of the mayor, recorder and aldermen of the city of Philadelphia, or some or one of them, were necessary to enable the proper officers elected or appointed in pursuance of the above recited acts of assembly, or any of them, to put such act or acts in force.

SECT. 2. *And whereas, by the change of the government of the said province, the powers of the mayor, recorder and aldermen have ceased, and become void, whereby the aforesaid acts of assembly cannot be put in force, according to the true intent and meaning thereof, to the great inconvenience and injury of the good people of the said city, district and township; for remedy whereof,*

SECT. 3. *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Penn-*

Pennsylvania, in general assembly met, and by the authority of the same, That in all cases, where, by any or either of the aforementioned acts of general assembly, the mayor or recorder, and one or more of the aldermen of the city of Philadelphia, are or is made necessary for the execution of, or in any wise putting in force such act respectively, or to enable any officer or officers mentioned therein to do and perform the duties and services of him or them required, the justices of the peace of the said city of Philadelphia, or any three of them, shall be and are hereby declared to be able and capable in law to do and perform all and singular the duties and services that are in and by the said several and respective acts of assembly required of and from the mayor or recorder, or aldermen of the said city,— and in all cases where the said justices, or any three of them, shall act, do and perform any duty, service, or business, that is in any of the said acts required to be done and performed by the mayor, recorder and aldermen, the same shall be and is hereby declared to be of the same force and effect, and as sufficient and binding in all cases, on all persons that shall be within the meaning and intention of this act, as the same could or ought to have been heretofore, when such service and duty were done and performed by the mayor, recorder and aldermen, agreeable to the intent and meaning of the several and respective acts aforesaid.

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monwealth.

Powers of  
the mayor,  
recorder  
and alder-  
men of the  
city of Phi-  
ladelphia,  
are vested  
in any three  
justices of  
the peace of  
said city.

JOHN JACOBS, SPEAKER.

*By order of the house,*

Passed March 14th 1777. }

JOHN MORRIS, junior,  
clerk of the general assembly. }

## CHAPTER XII.

An ACT to revive and put in force an act, intitled,  
“An Act to regulate the fishery in the river Schuylkill.”

SECTION I. WHEREAS by an act of general Preamble,  
assembly of the province of Pennsylvania,

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monwealth.*

vania, passed the ninth day of March in the year of our Lord one thousand seven hundred and seventy one, intitled, "An Act to regulate the fishery in the river Schuylkill," the shad fisheries were put under certain regulations that have been found to be very advantageous to the inhabitants residing near the said river: And as the said act is expired by its own limitation, and as the season for such fishery is approaching, such act ought to be in force;

The act to  
regulate  
the fishery,  
&c. conti-  
nued,

SECT. 2. Therefore, Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the act of general assembly of the province of Pennsylvania, intitled, "An Act to regulate the fishery in the river Schuylkill," and every part, parcel, article, matter and clause therein contained, are hereby declared to be in force and binding on all the inhabitants of this state; and all justices, constables and other officers who may be in any wise concerned in the execution of the said act, are hereby strictly enjoined and required to yield obedience thereto, according to the duties of their several offices, and to do and perform all and singular the services and duties by the said act of them required to be done and performed, as they will answer the contrary at their peril.

and shall  
extend to  
the Pro-  
vince island.

SECT. 3. And be it further enacted by the authority aforesaid, That the aforesaid act of general assembly, and the regulations and restrictions therein mentioned, contained and comprised, shall be deemed, taken and construed to extend down the river Delaware as far as the island called the Province Island extends, any thing in the said recited act to the contrary notwithstanding.

JOHN JACOBS, SPEAKER.

*Passed March 14th, 1777.*

JOHN MORRIS, junior,  
clerk of the general assembly.

CHAPTER

## CHAPTER XIII.

*An ACT for establishing in the city of Philadelphia, and in each county of this state, an office for the probate and registering of wills, and granting letters of administration, and an office for the recording of deeds.*

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monwealth.

## SECTION I. A CHANGE of government in the state Preamble.

A of Pennsylvania having taken place, the powers of the several officers under the late government have thereby ceased and become void: It therefore becomes necessary, for the security and well being of this commonwealth, that an office of record for the probate of wills and granting letters of administration, commonly called the register's office, and an office of record for recording of deeds, should be at all times kept in each city and county as the present constitution directs;

SECT. 2. Be it therefore enacted, by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That Samuel Morris, esquire, be, and he is hereby constituted and appointed register for the probate of wills and granting letters of administration for the city and county of Philadelphia. And that John Morris, the younger, esquire, be, and he is hereby constituted and appointed recorder of deeds for the said city and county of Philadelphia. And that the following persons be, and they are hereby constituted and appointed registers for the probate of wills and granting letters of administration and recorders of deeds for the several counties following respectively, that is to say, Joseph Hart, esquire, for the county of Bucks; Thomas Taylor, esquire, for the county of Chester; Peter Hoofnagle, esquire, for the county of Lancaster; Archibald McClean, esquire, for the county of York; John Creigh, esquire, for the county of Cumberland; Henry Christ, esquire, for the county of Berks; John Orndt, esquire, for the county of Northampton; Robert Galbraith, esquire, for the county of Bedford; John Simpson, esquire, for the county of Northumberland; and James Kinkead, esquire, for the county of Westmoreland; every of which said officers is to be commissioned as the constitution of this state directs.

Names of  
the regis-  
ters and re-  
coders in  
the city and  
several  
counties.

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 monwealth.

The sums  
 in which  
 security is  
 to be given  
 by the se-  
 veral regis-  
 ters and re-  
 corders.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the persons herein and hereby appointed to the offices aforesaid, before they enter on the duties of their respective offices, shall severally take the oath or affirmation agreeable to the said constitution, and give bond to the speaker of the house of assembly for the time being, with one or more sufficient sureties, in the following sums respectively, that is to say, the register for the city and county of Philadelphia in the sum of one thousand pounds; the recorder of deeds for the said city and county of Philadelphia in the sum of fifteen hundred pounds; the register and recorder of deeds for the county of Bucks in the sum of one thousand pounds; the register and recorder of deeds for the county of Chester in the sum of fifteen hundred pounds; the register and recorder of deeds for the county of Lancaster in the sum of fifteen hundred pounds; the register and recorder of deeds for the county of York in the sum of twelve hundred pounds; the register and recorder of deeds for the county of Cumberland in the sum of twelve hundred pounds; the register and recorder of deeds for the county of Berks in the sum of one thousand pounds; the register and recorder of deeds for the county of Northampton in the sum of one thousand pounds; the register and recorder of deeds for the county of Bedford in the sum of six hundred pounds; the register and recorder of deeds for the county of Northumberland in the sum of six hundred pounds; and the register and recorder of deeds for the county of Westmoreland in the sum of six hundred pounds; which said bonds shall severally be conditioned for the true and faithful execution of their several and respective offices, and for delivering up the records and other writings belonging to the said respective offices whole, safe and undefaced, to their successors in the said offices.

Powers, &c.  
 of the of-  
 ficers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the several and respective officers appointed by this act, shall have, use and exercise all the powers, and be subject to, and governed by the laws of this state in all things concerning their said offices respectively; and may take and receive the same fees as by the said laws the late registers and recorders of deeds might have received and taken.

SECT. 5.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That each and every of the registers and recorders of deeds herein appointed, and their heirs, executors and administrators, and every of them, is and are hereby required and enjoined to deliver up to the person, who shall be appointed to succeed them in the said offices respectively, all the records and other writings, and also the seals belonging to the several offices aforesaid, whole, safe and undefaced, under the penalty of three thousand pounds, to be recovered as other fines are directed to be recovered within this state.

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of the Com-  
monwealth.  
They are to  
deliver up  
the records  
to their suc-  
cessors.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That every register for the probate of wills, and granting letters of administration, by this act appointed, or that may be hereafter appointed, may and shall keep a deputy to officiate in his absence, for whose conduct the register, that shall so appoint him, shall be accountable. And every such deputy is hereby declared to be able and capable in law to take probate of wills and grant letters of administration as aforesaid, and to do whatever else by the laws of this state appertains to the said office: And if any register or recorder of deeds by this act appointed shall resign his office, remove out of the county, die, or otherwise become incapable of executing both or either of the said offices as directed by the laws aforesaid, then in either of the said cases the president and council for the time being, shall, as soon as may be, appoint and commissionate another person to be register and recorder in the stead of such register and recorder as shall so resign, remove, die, or otherwise become incapable as aforesaid; and every person so appointed and commissioned as aforesaid, shall be deemed and taken to be the proper register and recorder for the county for which he shall be so appointed and commissioned, until further order be taken in the premises by the general assembly of this state.

Registers  
shall ap-  
point de-  
puties.

President  
and coun-  
cil may ap-  
point in  
case of va-  
cancy.

**SECT. 7.** *Provided always, and be it further enacted by the authority aforesaid,* That the officers, by this act appointed and called registers in each county respectively, shall not be accountable to any other register as their superior; and that so much of the laws of this state as relates to the register general's office, which by this act is altered and

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 monwealth.

and supplied, is hereby declared to be repealed and made null and void. And in as much as the detention of the books, records and other papers and seals in the office of register and in the office of recorder of deeds may be very injurious to many of the inhabitants ;

*Penalty on  
 former of-  
 ficers refus-  
 ing to deli-  
 ver up the  
 records, &c.*

SECT. 8. *Be it therefore enacted by the authority aforesaid,* That if any or either of the officers that have last held and kept the said office or offices shall refuse to deliver up the said books, records and other papers, and seals of office, safe and in good order to the persons by this act for each county respectively appointed ; and complaint shall be thereof made to any one justice of the county where such refusal shall be made, such justice shall issue his warrant in the nature of a capias, causing such officer to be brought before him ; and if the complaint shall be supported with good evidence, the said justice shall commit the said register or recorder to the common goal of the county, there to remain without bail or mainprise until the said books, records and other papers, and the said seals of office, shall be delivered up as aforesaid.

If officers  
 neglect to  
 qualify, o-  
 thers are to  
 be appoint-  
 ed by the  
 president  
 and coun-  
 cil.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if any of the officers named in this act, shall neglect or refuse to take the oaths or affirmations prescribed by the constitution of this state, and otherwise qualify himself as is by this act directed, for the space of ten days after he shall be informed of his appointment, if on the east side of the river Susquehannah, and within thirty days if on the west side of said river, the president and council shall appoint and commissionate some fit person to be the officer in his stead.

JOHN JACOBS, SPEAKER.

*Passed March 14th, 1777.*  
 JOHN MORRIS, junior, }  
 clerk of the general assembly. }

## CHAPTER XIV.

*A supplement to an act directing the mode and times of electing justices of the peace, for the city of Philadelphia and the several counties in this commonwealth, and for other purposes therein mentioned.*

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of the Com-  
monwealth.

SECTION I. WHEREAS by an act of this general assembly, passed the twenty eighth day of January last past, intitled, "An Act directing the mode and time of electing justices of the peace for the city of Philadelphia, and the several counties in this commonwealth, and for other purposes therein mentioned," the time for electing of justices of the peace as directed by the said act, has in some instances been found too short, and in others, by reason of the march of the militia, it has been found inconvenient, by which means some parts of this state may be deprived of the benefit of the administration of justice, wherefrom great evils may arise to many of the good people. For remedy whereof,

SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That it shall and may be lawful for the commissioners and assessors, or any five of them, of the county of Philadelphia, who have been elected under the present constitution of this commonwealth, and they are hereby directed and required, to meet together at the house of Jacob Neaff, in the said county, on the twenty fourth day of this instant, March, and divide the county of Philadelphia into twelve districts, and thereof immediately to advertise the inhabitants of each district, and to do every matter and thing of the said commissioners and assessors required, in the same manner, and under the same penalties, as set forth in the act to which this is a supplement; and the freeholders of the several districts in the said county are, on the day which the said commissioners and assessors shall appoint, for the purpose of electing, to proceed to the election of the justices of the peace in their respective districts, in the same manner as is by the said act directed for electing justices, who, when chosen, shall be held and deemed as legally elected,

the free-  
holders of  
which shall  
elect jus-  
tices.

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of the Commonwealth.The other  
counties to  
be also di-  
vided into  
districts.

elected, as if the same had been done on the day appointed by the said act, any thing therein contained to the contrary notwithstanding.

SECT 3. *And whereas* many of the militia of Northampton and other counties are now, and some others may be in actual service, whereby several of the districts in the said county have been, or may be deprived of their right in the choice of their justices of the peace, according to the intention of the said act;

SECT. 4. *Be it therefore further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners and assessors, or any five of them of the said county of Northampton, or such other counties as aforesaid, to advertise the freeholders of such district or districts to meet together on the third Tuesday in April next, at some convenient place within the said districts respectively, in order to choose their justices of the peace, that they may be commissioned accordingly; and if the freeholders of any township or townships in this state, which by the said act is made a district, shall neglect to elect justices on the day therein mentioned, the freeholders of every such district are hereby authorised to appoint such time and place as may suit their convenience, within three months hereafter, and elect justices as by the said act is directed.

SECT. 5. *And whereas* the freeholders of several of the wards in the city of Philadelphia have neglected to elect justices of the peace, as by the said act was directed, and it may happen that some other parts of the state may also neglect to elect justices, at the time in the said act and by this act directed.

How elec-  
tions shall be  
held in case  
of neglect.

SECT. 6. *Be it enacted by the authority aforesaid,* That where any such neglect has been or may be, at the time by the above recited act, or by this act directed for the election of justices, for any district in any or either of the said counties, the commissioners and assessors of such county or counties, or any five of them (in such county or counties where they are directed so to do by the said act) are hereby enjoined and required to appoint a time and place for election of justices of the peace for such district, and give notice thereof to the freeholders, who shall

shall hold the said election, and in all things relating thereto, act and do agreeable to the directions of the act, to which this act is a supplement; and when they shall have elected justices, they shall be deemed and taken to be justices of the peace, as is in and by the said act declared.

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monwealth.

SECT. 7. *And whereas* it has been represented to this assembly, That the inhabitants of the borough of Chester express a dissatisfaction that they have but one justice of the peace allotted to them, inasmuch as other boroughs have more.

SECT. 8. *And whereas* it may happen that some district or districts may yet neglect to elect justices notwithstanding this act.

SECT. 9. *Be it therefore enacted by the authority aforesaid,* That in any or either of the said cases, on application being made in writing, by twenty or more of the freeholders of the borough of Chester, or of any such other district, to the president of this state, it shall be lawful for the president in council to appoint and commissionate one or more justice or justices of the peace as the case may require, for the said borough or district respectively, any thing in this, or the act to which this is a supplement, to the contrary notwithstanding.

President in  
council may  
appoint  
more jus-  
tices upon  
request.

JOHN JACOBS, SPEAKER.

Passed March 15th, 1777. }  
JOHN MORRIS, junior, }  
clerk of the general assembly. }

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## CHAPTER XV.

An ACT to regulate the militia of the commonwealth of Pennsylvania.

Passed March 17th, 1777. Recorded in Law Book Vol. I. page 97, &c.  
Repealed act of 20th March, 1780.

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## CHAPTER XVI.

An ACT to increase the wages of assemblymen.

Passed the 19th March, 1777. Recorded in Law Book Vol. I. page 110, &c.  
Supplied by an act passed November 27th, 1779.

## CHAPTER

## CHAPTER XVII.

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monwealth.*

An ACT for emitting the sum of two hundred thousand pounds in bills of credit, for the defence of this state, and providing a fund for sinking the same by a tax on all estates real and personal, and on all taxables within the same.

Preamble. SECTION I. WHEREAS it is necessary that a sufficient sum of money should be immediately provided, in order to make proper preparations for the defence of this state against the cruel and hostile proceedings of the king of Great Britain:—Therefore,

£200,000 to be emitted.

SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That bills of credit to the value of two hundred thousand pounds shall be prepared and printed within three months next after the publication of this act, on good strong paper, under the care and direction of John Bayard, Robert Knox, Joseph Parker, and Michael Shubart, esquires; the charges whereof shall be paid by the state treasurer, out of the monies so prepared and printed:—Which bills of credit shall be made and prepared in manner and form following, viz.



THIS bill shall pass current for—, according to an act of general assembly of the commonwealth of Pennsylvania, passed the twentieth day of March, in the year one thousand seven hundred and seventy seven. Dated the tenth day of April, A. D. 1777.

And the said bills shall have such escutcheons as in the margin hereof, with such other devices as the said John Bayard, Robert Knox, Joseph Parker, and Michael Shubart, shall think proper, as well to prevent counterfeits as to distinguish their several and respective denominations: Each of which bills shall be of the several and respective denominations following, and no other; that is to say—

Denomina-  
tions of the  
bills.

One hundred and fifty thousand bills of the value of three pence. One hundred and fifty thousand bills of the value of four pence. One hundred and fifty thousand

sand bills of the value of six pence. One hundred and fifty thousand bills of the value of nine pence. Thirty thousand bills of the value of one shilling. Thirty thousand bills of the value of one shilling and six pence. Thirty thousand bills of the value of two shillings. Thirty thousand bills of the value of Three shillings. Thirty thousand bills of the value of four shillings. Thirty thousand bills of the value of six shillings. Thirty thousand bills of the value of eight shillings. Thirty thousand bills of the value of twelve shillings. Thirty thousand bills of the value of sixteen shillings. Thirty thousand bills of the value of twenty shillings. Twelve thousand six hundred and seventy bills of the value of forty shillings. And twelve thousand six hundred and sixty five bills of the value of eighty shillings.

And the said John Bayard, Robert Knox, Joseph Parker, and Michael Shubart shall use their best care, attention and diligence during the printing of the said bills that the number and amount thereof according to their respective denominations aforesaid be not exceeded, nor any unjust and fraudulent practices used by the printer, his servants, or others concerned therein. And for perfecting the said bills according to the true intent and meaning of this act,

SECT. 3. *Be it enacted by the authority aforesaid, That Signers all and every of the said bills, the denominations whereof shall be four shillings and upwards, shall be signed by any two of the persons herein after mentioned; and that every of the said bills the denomination whereof shall be under four shillings, shall be signed by any one of the persons herein after mentioned, that is to say, by Benjamin Betterton, John Young, jun. William Thorne, Andrew Hodge, William Kinley, Isaac Howel, Caleb Davis, Joseph Gardner, James Cannon, Whitehead Humphreys, Benjamin Jacobs, William Evans, Levi Budd, Isaac Snowden, John Brown, William Will, Philip Alberty, Henry Luithausen, Samuel Smith, Frederick Antis, Robert Loller, and James Davidson, who are hereby nominated and appointed to be signers of the said bills, and shall before they receive or sign any of them take an oath or affirmation to the effect following, viz. That they will well and truly sign and number all the bills that shall come to their hands for their oaths.*

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that

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*Deliveries,  
 how regu-  
 lated.*

*Pay of  
 signers, &c.*

*Money to be  
 paid to the  
 state trea-  
 surer.*

that purpose by the direction of this act, and the same so signed and numbered will deliver or cause to be delivered unto the said John Bayard, Robert Knox, Joseph Parker, and Michael Shubart, or some one of them, pursuant to the direction of this act.

SECT. 4. And for avoiding the danger of embezzlement or misapplication of the said bills of credit, *Be it further enacted by the authority aforesaid*, That the said John Bayard, Robert Knox, Joseph Parker, and Michael Shubart, or any one of them, after the said bills shall be printed, shall deliver them to the signers as aforesaid, to be signed and numbered by parcels, for which the said signers, or one of them, shall give his or their receipt; that is to say, Not above three thousand pounds value in the said bills at one time to any two of the said signers, and so from time to time, until all the said bills of credit shall be signed and numbered in such manner that not more than the value of three thousand pounds be in the hands of any two of such signers at any one time; of all which said bills of credit, so delivered to be signed, a true account shall be kept by the signers, who, upon their re-delivery of each or any parcel of the said bills by them signed or numbered, shall take the receipt of the said John Bayard, Robert Knox, Joseph Parker, and Michael Shubart, or some one of them, to charge them before any committee of assembly to be appointed for that purpose: And each of the signers shall receive ten shillings for every thousand of the said bills by him signed and numbered. And each of them the said John Bayard, Robert Knox, Joseph Parker, and Michael Shubart, shall have and receive for their trouble the sum of ten shillings for each day they shall be employed in the said service. And the said treasurer for receiving and paying the said bills of credit shall have and receive five shillings for every hundred pounds, and no more, to be paid out of the monies so struck.

SECT. 5. *And be it enacted by the authority aforesaid*, That as soon as the said bills shall be signed, numbered, and perfected, the said John Bayard, Robert Knox, Joseph Parker, and Michael Shubart, or any one of them, shall deliver them to the state treasurer, and take his receipt or receipts for the same, who shall therewith pay off and discharge

discharge all such draughts and certificates as shall be made by order of the assembly, for public use.

*SECT. 6. And be it enacted by the authority aforesaid,* That all the said bills of credit, hereby directed to be made, signed and numbered as aforesaid, as this act directs, shall be legal tender, in and for the payment and discharge of all manner of debts, rents, sum or sums of money whatsoever, due, payable, or accruing upon or by the reason of any mortgage, bill, specialty, bond, note, book account, promise, or any other contract or cause whatsoever, as if the same were tendered and paid in the coins mentioned in such mortgage, bill specialty, bond, or other writing, book account, promise, assumption, or in any other contract whatsoever within this commonwealth.

*SECT. 7. And be it further enacted by the authority aforesaid,* That if any person or persons shall presume to counterfeit the said bills of credit made and issued by virtue of this act, or any of the bills of credit emitted and made current by the resolves of the late assemblies of Pennsylvania, by printing or procuring the same to be printed, in the likeness and similitude of the said bills of credit; or if any person or persons shall forge the name or names of the signers of the said true bills of credit to such counterfeit bills, whether the counterfeiting of the said bills of credit, or names be done within this state or elsewhere; or shall utter such bills, knowing them to be counterfeit as aforesaid; and being therefore legally convicted by confession, standing mute, or by the verdict of twelve men, in any court of oyer and terminer within this commonwealth, he, she, or they, shall suffer death; and the discoverer or informer, shall have, as an encouragement for his discovery, the sum of fifty pounds, of value of the goods and chattels, lands and tenements of the person or persons convicted, and if no such goods and chattels, lands and tenements can be found, the sum of ten pounds, to be paid by the state treasurer, and if any person or persons shall counterfeit any of the said bills of credit, by altering the denominations thereof, with design to increase the value of the said bills, or shall utter such bills, knowing them to be so counterfeited or altered, and shall thereof be legally convicted in any court of quarter sessions of the peace within this commonwealth,

every

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Legal  
tender.

Penalties  
on counter-  
feiting,  
forging, al-  
tering or  
uttering  
any of said  
bills.

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every such person or persons shall be sentenced to the pillory, have both of his or her ears cut off and nailed to the pillory, and be publicly whipped, on his or her bare back, with thirty nine lashes, well laid on. *And moreover,* every such offender shall forfeit the sum of one hundred pounds, to be levied on his or her lands and tenements, goods and chattels, one moiety to the use of the state, and the other to the discoverer, and the offender shall pay to the party aggrieved, double the value of the damages thereby sustained together with the costs and charges of the prosecution; and in case the offender shall not have sufficient to satisfy such discoverer, or his or her damages, and pay the forfeiture aforesaid, he or she shall be sold for any term not exceeding seven years, to make such satisfaction; and in case the said discoverer shall not be paid the full sum of ten pounds, by the sale of such offender's goods, the state treasurer shall pay the sum of ten pounds, and every such counterfeit bill shall be delivered to the state treasurer, to be made use of upon the trial of the person or persons accused or suspected, and afterwards to be burnt or destroyed in the presence of a committee of assembly. And to the end that the said sum of two hundred thousand pounds, in bills of credit so as aforesaid to be struck by virtue of this act, may be duly and fully sunk and destroyed:

A tax of one  
 shilling and  
 six pence  
 per pound,

and ten shillings  
 per head to be  
 laid.

SECT. 8. *Be it further enacted by the authority aforesaid,* That there shall be levied on all estates real and personal, within this commonwealth, of all and every person and persons, the sum of one shilling and six pence for every pound clear yearly value of the said estates as the said yearly value of the rents ariseth out of the premises, or otherwise be estimated by the assessors, according to their best discretion and judgment, having respect to the quantity and value of the unimproved parts of the same; as also upon all located unimproved land or tracts of land, to be assessed and rated in the manner herein after mentioned, to be paid by the owners or possessors in the manner herein directed. And that every single freeman, whether residing with parents or elsewhere, who at the time of the assessment shall be of the age of twenty one years, or hath been out of his apprenticeship or servitude for the space of six months, shall pay the sum of ten shillings, except such as shall

shall be actually enlisted in the service of this or the united states of America as soldiers, during the time for which any part of the tax shall be levied.

**SECT. 9.** *And be it enacted by the authority aforesaid,* That the several sums so to be raised as aforesaid shall be assessed and levied from and after the first day of October next, and shall be collected and paid in the same manner as the money given and granted to the use of the king of Great Britain in and by an act of general assembly of the province of Pennsylvania, passed the thirtieth day of May, in the year of our Lord one thousand seven hundred and sixty four, intitled, “*An Act for granting to his majesty the sum of fifty five thousand pounds, and for striking the same in bills of credit in the manner herein after directed, and for providing a fund for sinking the said bills of credit by a tax on all estates real and personal, and taxables within this province;*” is directed; and every article, clause and thing therein contained concerning the assessing and levying the taxes therein mentioned, and the duties of the several officers, and the allowances for their trouble, enjoined them by the said act; except only such articles, clauses and things as are declared to be repealed by a certain other act of assembly, called a supplement to the said act, passed the twentieth day of September, in the year of our Lord one thousand seven hundred and sixty six; and the penalties and forfeitures for refusal or neglect thereof, shall be used, exercised, and put in practice for assessing, levying and collecting the tax hereby imposed, and for discharging the respective duties and offices thereof, as if the same articles, clauses and things were inserted in this act, except in such cases as are herein excepted, ascertained, provided for or altered.

**SECT. 10.** *And whereas the out standing taxes will be sufficient, when collected, to sink and destroy all such bills of credit which were struck by acts of the said general assemblies, and applied to the use of the king of Great Britain:* *Be it enacted,* That all bills of credit bearing date any time before the first day of July, one thousand seven hundred and fifty nine, shall not pass in payment

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monwealth.

Mode of as-  
sessing and  
levying.

Bills dated  
before July  
1st, 1759,  
not current  
after Octo-  
ber 1st next.

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ment of any debt or demand after the first day of October next, except for taxes in order to sink and destroy the said bills.

JOHN BAYARD, SPEAKER.

Passed March 20th, 1777.

JOHN MORRIS, junior,  
clerk of the general assembly.

## CHAPTER XVIII.

*An ACT for punishing the counterfeiting the continental loan office tickets and lottery tickets.*

Preamble. SECTION I. WHEREAS it was resolved in congress the third day of October, one thousand seven hundred and seventy six, That five millions of continental dollars should be borrowed for the use of the united states of America, and that the lenders are to receive from the commissioners appointed for that purpose in each of the said united states, a certificate signed by the continental treasurer, and countersigned by one of the said commissioners of the said loan offices, as by the said resolve may more fully appear. And whereas it is necessary that some effectual measures be taken to prevent the counterfeiting the said certificates, granted by the said commissioners of the said loan offices, and also to prevent the counterfeiting the tickets of the united states lottery. And whereas the punishment to be inflicted for counterfeiting the bills of credit emitted by the continental congress is not sufficiently provided for, in an act passed this present session, intitled, "An Act for emitting the sum of two hundred thousand pounds in bills of credit for the defence of this state, and providing a fund for sinking the same, by a tax on all estates real and personal, and on all taxables within the same:" For remedy whereof,

Penalties for forging, counterfeiting, al- SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of

of the same, That if any person or persons shall presume to counterfeit any of the said certificates of the continental loan offices, or any of the bills of credit emitted and made current by the resolves aforesaid, of the honourable continental congress, by printing or procuring the same to be printed in the likeness or similitude of any of the said genuine certificates or bills of credit aforesaid, or shall forge the name or names of any of the signers of the said certificates or bills of credit, or shall alter the dates, numbers, sums or denominations of any of the said genuine certificates or bills of credit aforesaid, with an intention to increase the value, or defraud, whether the said counterfeiting, forging, or altering, be done in this commonwealth or elsewhere; or shall sell, give in payment, or otherwise utter or distribute any of the said counterfeit, forged, or altered certificates or bills of credit, knowing them to be such, and being thereof legally convicted by confession, standing mute, or on the verdict of twelve men in any court of cyer and terminer or quarter sessions within this state, as the nature of the case may require, he, she, or they shall suffer the same punishments, pains, penalties, fines and forfeitures as are directed for counterfeiting, altering or uttering the bills of credit of this commonwealth, emitted, or hereafter to be issued or emitted, by virtue of an act, intitled, *An Act for emitting the sum of two hundred thousand pounds, in bills of credit for the defence of this state, and providing a fund for sinking the same, by a tax on all estates real and personal, and on all taxables within the same.*

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monwealth.  
uttering  
counterfeit  
loan office  
certificates,  
or bills of  
credit,

SECT. 3. And be it further enacted by the authority or the united states aforesaid, That if any person or persons shall counterfeit any of the united states lottery tickets, by printing or procuring the same to be printed in the likeness of the genuine tickets, or forge the name or names of any of the signers of the said tickets, or shall alter the number, or shall sell, utter, or otherwise distribute any of the said counterfeit, forged, or altered tickets, knowing them to be such, and be therefore legally convicted, before any court of quarter sessions in this commonwealth, he, she, or they shall be sentenced to the pillory, and be publicly whipped with any number not exceeding thirty nine lash-

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es well laid on his, her, or their bare backs, and the offender shall pay to the party aggrieved double the value of the damages thereby sustained; together with the costs and charges of the prosecution; and if the offender shall not have enough to satisfy the person aggrieved for his or her damages, together with costs, he she or they shall be sold for any term not exceeding seven years. And every such counterfeit ticket shall be delivered to the judges or justices of the court to be made use of upon the trial of the person so accused or suspected, and afterwards to be burnt and destroyed in presence of the court.

JOHN BAYARD, SPEAKER.

*Passed March 20th 1777:*

JOHN MORRIS, junior,  
clerk of the general assembly.

### CHAPTER XIX.

*An ACT authorizing the president and council to appoint judges to hold city courts, and for other purposes therein mentioned.*

Preamble.

SECTION 1. WHEREAS by the late revolution which has taken place in the government of this state, all powers and jurisdictions not founded on the authority of the people only, have become null and void. And whereas the powers and jurisdictions hitherto exercised by the mayor, recorder and aldermen of the city of Philadelphia, were not founded on the said authority of the people, and are therefore become null and void; in order to remedy any inconveniences which may arise from the want of proper persons to exercise the powers and jurisdictions formerly exercised by the said mayor, recorder and aldermen:

Appointment of judges of the city court.

SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That the president and executive council shall appoint

appoint and commissionate five judicious and respectable inhabitants of the said city of Philadelphia, to be judges of a certain court to be held in the said city, to be called the City Court, who, or any three of them, shall hold the same: And the said judges shall hold the said court four times in the year at such times as they shall appoint, except the first court, which shall be held on Monday the twenty first day of April next; and the said judges, or any three of them, and the said city court shall have, use, exercise and enjoy the same or equal power, authority and jurisdiction within the said city, as the said late mayor, recorder and aldermen, or the said Mayor's court had or used, exercised or enjoyed, in as full and ample a manner as if the same were herein particularly set forth and described.

SECT. 3. *And whereas* it is necessary that some temporary regulation should take place respecting certain rights or claims used or exercised by the said mayor, recorder, aldermen and common council of the said city, until the public tranquility shall be so far established as to afford leisure for making some more permanent regulation.

SECT. 4. *Be it therefore enacted by the authority aforesaid,*  
That the president and council shall appoint proper persons to be clerk of the market, corder and corders of wood, measurers of grain, salt, or other such officers as have been usually appointed by the said mayor, recorder, aldermen and common council, or some, or one of them; and the said president and council shall also let out upon rent all such ferries, wharves, stalls, standings and places, as were usually let out upon rent by the said late mayor, recorder, aldermen and common council, or any or either of them: And the said president and council shall receive all such rents as are now due, or accrued from all persons holding any such ferries, wharves, stalls, standings or places; and the same, together with all such rents as shall accrue and become due hereafter, shall pay into the hands of the state treasurer, for the use of the inhabitants of the said city of Philadelphia, to be disposed of for the use of the said inhabitants as shall be hereafter directed.

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Powers given to the president and council to appoint.

SECT. 5. *Be it further enacted by the authority aforesaid,* Process continued.  
That all indictments, informations and causes whatsoever,

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monwealth.*Recognis-  
ances.

which were depending and undetermined in the said mayor's court on the                      day of                      last past, shall be removed into, and made cognizable in the said city court, in the same manner as if the same had originated therein, save only that wherever the name of the king of Great-Britain occurs, there shall be used and substituted the commonwealth of Pennsylvania in the stead of the name of the said king.

**SECT. 6.** *And be it enacted by the authority aforesaid,* That the late mayor, recorder and aldermen of the said city shall deliver up and return all recognisances which they shall have taken from any person or persons since the said                      day of                      to the judges of the said city court, or some one of them, on or before the said twenty first day of April, which said recognisances in case of forfeiture shall be sued in the name of the commonwealth of Pennsylvania, though they should have been taken in the name of the king aforesaid.

Records of  
the mayors  
court.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the clerk of the said mayor's court shall well and truly deliver and surrender up to the said judges of the city courts, or some one of them, all and singular the books, records and papers belonging to, or in use in the said court; and if he shall, upon demand being made thereof in writing, refuse or neglect so to do, the president in council is hereby authorised and required to commit him to the goal of the said city, there to remain without bail or mainprise, until he shall deliver up the said books, records and papers.

Prothono-  
taries to  
take the  
oath and  
give bond.

**SECT. 8.** *Be it enacted by the authority aforesaid,* That the prothonotary of the city of Philadelphia, and of each county in this state, before they enter on the duties of their respective offices, shall severally take the oaths or affirmations required by the constitution of this state, and shall give bond to the president of the council for the time being, with one or more sufficient sureties, for such sum or sums as the president and council shall judge sufficient, for the faithful execution of their respective offices, and for the delivery of all books, records, papers and seals belonging to their respective offices aforesaid, whole, safe and undefaced, to the person or persons who shall be appointed or commis-  
sionated

fionated by the president and council to succeed him in their respective offices.

SECT. 9. *Be it further enacted by the authority aforesaid,* That if any person who may have acted as prothonotary in the city of Philadelphia or in any county in the state, shall refuse, when thereunto required by the person who is or shall be appointed by the president and council to succeed him in his office, to deliver up all and singular the books, records, papers and seals belonging to, or in use in the said office, and on demand being made in writing, shall refuse or neglect so to do, the president in council, or any two justices of the peace, are hereby required and authorised to commit him to the common goal of the city or county where the offender dwells, there to remain without bail or mainprise, until the said successors shall become possessed of the said books, records, papers and seals.

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monwealth.*

Penalty for  
refusing to  
deliver re-  
cords, &c.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the president and council are hereby authorised and impowered to take such measures to procure the books, records, papers and seals aforesaid, as to them may seem necessary; and in case the seals of the said office should not be delivered as aforesaid, then the officer appointed by the president and council to make use of any other seal he shall choose, until a new one can be made.

Powers to  
the presi-  
dent and  
council.

JOHN BAYARD, SPEAKER.

Passed March 21st, 1777. }  
JOHN MORRIS, junior, }  
clerk of the general assembly. }

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# L A W S

Enacted in the second sitting of the first general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, the 12th day of *May*, 1777, and continued to the 19th day of *June* in the same year.

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## CHAPTER XX.

*A supplement to the act, intitled, "An Act for making the continental bills of credit, and the bills of credit emitted by resolves of the late assemblies, legal tender, and for other purposes therein mentioned."*

Preamble. SECTION I. WHEREAS in the act of general assembly of the commonwealth of Pennsylvania, passed the twenty ninth day of January last past, intitled, "An Act for making the continental bills of credit and the bills of credit emitted by the resolves of the late assemblies, legal tender; and for other purposes therein mentioned," no mention is made, in express words, of bodies politic and corporate; for which reason, it has been construed by some persons that such bodies are not comprehended within the meaning of the said act: In order therefore, that the said bills of credit, and also the bills of credit emitted, and to be emitted, by virtue of an act, intitled, "An Act for emitting the sum of two hundred thousand pounds, in bills of credit, for the defence of this state; and providing a fund for sinking the same by a tax on all estates real and personal and on all taxables within the same," shall be alike taken and made current

current in all payments by all persons, as well in their private as in their politic or corporate capacity :

**SECT. 2.** Be it enacted by the representatives of the free-men of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That all the bills of credit declared to be legal tender by the said first recited act, and also the bills of credit emitted, and to be emitted, by virtue of the said last recited act, shall be legal tender, not only to those persons and creditors therein mentioned, but also to all bodies politic and corporate ; which said bodies shall be deemed and taken to be subject, in all respects, to all the fines and forfeitures, in the said acts mentioned, which the persons or creditors therein named are or ought to be subject to, for any offence committed against the above recited acts, as fully and effectually, to all intents and purposes, as if the said bodies politic or corporate had been expressly named in the said act.

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All bills of  
credit issued  
by the  
200,000 act  
to be legal  
tender to  
bodies po-  
litical, &c.

JOHN BAYARD, SPEAKER.

Enacted into a law the 13th Day of June, 1777. }  
JOHN MORRIS, junior, clerk of the general assembly. }

## C H A P T E R XXI.

An ACT, obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned.

**SECTION 1.** WHEREAS by the separation of Preamble. **W** the thirteen united states from the government of the crown and parliament of Great Britain (who, by their acts of oppression and cruelty, as set forth in the declaration of independence by congress, bearing date the fourth day of July, 1776, had rendered such separation, on the part of the said states, absolutely necessary for their own happiness, and the happiness of succeeding generations) the good people of the state of Pennsylvania are become free and independent of the said crown and parliament.

**SECT. 2.** And whereas from sordid and mercenary motives, or other causes inconsistent with the happiness of

Inhabitants  
to take the  
oath, &c. of

Q

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monwealth.*allegiance  
before the  
first of July.

pines of a free and independent people, sundry persons have or may yet be induced to withhold their service and allegiance from the commonwealth of Pennsylvania as a free and independent state, as declared by congress: *And whereas* sundry other persons, in their several capacities, have, at the risk of their lives and the hazard of their fortunes, or both, rendered great and eminent services in defence and support of the said independence, and may yet continue to do the same; and as both those sorts of persons remain at this time mixed, and in some measure undistinguished from each other, the disaffected deriving undeserved service from the faithful and well affected: *And whereas* allegiance and protection are reciprocal; and those who will not bear the former, are not nor ought to be entitled to the benefits of the latter: Therefore, *Be it enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That all male white inhabitants of this state, (except of the counties of Bedford, Northumberland and Westmoreland) above the age of eighteen years, shall, on or before the first day of July next, take and subscribe the following oath or affirmation before some one of the justices of the peace of the city or county where they shall respectively inhabit; and the inhabitants of the said counties of Bedford, Northumberland and Westmoreland, above the said age, shall, on or before the first day of August next, take and subscribe the said oath or affirmation, before some one of the justices of the said three counties last mentioned, in which they shall respectively inhabit; and the said justice shall give a certificate thereof to every such person, and the said oath or affirmation shall be as followeth, viz.

The oath.

“ *I do swear, or affirm, that I renounce and refuse all allegiance to George the third, king of Great Britain, his heirs and successors; and that I will be faithful and bear true allegiance to the commonwealth of Pennsylvania as a free and independent state; and that I will not at any time do, or cause to be done, any matter or thing that will be prejudicial or injurious to the freedom and independence thereof, as declared by congress; and also that I will discover and make known, to some one justice of peace of the said state, all treasons, or traitorous conspiracies, which I now know or hereafter shall know to be formed against this or any of the united states of America.”* ”

And

And the form of the said certificate shall be as followeth, viz.

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monwealth.

The certificate.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That the justice or justices of the peace, before whom such oath or affirmation shall be subscribed, shall keep fair registers of the names and surnames of the persons so sworn or affirmed, and the time when, and shall, on or before the first day of October in every year, transmit in writing, under his or their hands and seals, to the office of recorder of deeds for the said city or county, a true list of the names and surnames of those who, within the same year, have so sworn or affirmed before them respectively; and the said justice or justices shall have and receive therefor, and for the said certificate, the sum of one shilling, and no more, for every person so sworn or affirmed; and the said justice or justices shall lay their accounts before the county commissioners, or any two of them, from time to time, to be examined and allowed; and the said commissioners, shall draw orders on the county treasurers for such sums as shall be so allowed, which orders the said treasurers are hereby authorised and required to pay out of the state taxes; and the recorders of deeds, in the city and several counties of this state, are hereby enjoined to record the said lists, in books to be prepared for that purpose, and shall be paid for the same, in the same manner as the justices, at the rate of five shillings for every hundred names.

Justices to keep registers of the names and transmit copies to the recorder of deeds, who is to record them.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That every person above the age aforesaid refusing or neglecting to take and subscribe the said oath or affirmation, shall during the time of such neglect or refusal, be incapable of holding any office or place of trust in this state, serving on juries, suing for any debts, electing or being elected, buying, selling or transferring any lands, tenements or hereditaments, and shall be disarmed by the lieutenant or sublieutenants of the city or counties respectively.

## Incapacities and penal- ties on those who ne- glect or re- fuse to swear or af- firm.

SECT. 5. And whereas there is a danger of having the Nonjurors seeds travelling,

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to be taken up, and the oath, &amp;c. tendered, to be committed on refusal.

seeds of discord and disaffection greatly spread by persons, whose politic principles are not known, removing or travelling from one part of the state, to another, and it is well known that this state is already become (and likely to be more so) an asylum for refugees flying from the just resentment of their fellow citizens in other states: For remedy whereof, *Be it enacted by the authority aforesaid,* That every person above the age aforesaid, who shall travel out of the county or city in which he usually resides, without the certificate aforesaid, may be suspected to be a spy, and to hold principles inimical to the united states, and shall be taken before one of the justices nearest to the place where he shall be apprehended, who shall tender to him the said oath or affirmation; and upon his refusal to take and subscribe the said oath or affirmation, the said justice shall commit him to the common goal of the city or county, there to remain without bail or mainprise until he shall take and subscribe the said oath or affirmation, or produce a certificate that he hath already done so.

Travellers from other states to take the oath, &amp;c.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That all persons coming from any of the other united states into this state are hereby required to apply to one of the nearest justices after he enters this state, and take and subscribe the said oath or affirmation, upon the penalty of being dealt with as in the case of persons travelling or removing out of the city or county in which they usually reside, unless he can produce a certificate that he hath taken an oath or affirmation of the like nature in the state from whence he came.

Except delegates, &amp;c.

**SECT. 7.** *Provided always nevertheless,* That delegates in congress, prisoners of war, officers and soldiers in the continental army, merchants and mariners trading in the ports of this state, from foreign powers in amity with the united states, and not becoming resident, are declared not to be within the intent and meaning of this act.

Forgers or counterfeiting certificates to be fined fifty pounds or whipped.

**SECT. 8.** *And be it further enacted,* That if any person shall forge such certificate, as by this act is to be made out and given by any one of the justices of the peace of this state; or shall cause or procure others to forge or counterfeit the name and seal of the justice of the peace to such certificate, or shall, by erasing or otherwise taking out, or covering or pasting over, a man's name that was wrote in a true and genuine certificate, alter the same so as to serve his

his own or any other man's purposes; or shall produce and make use of any such certificate, knowing it to be forged or altered; every such person and persons so offending, and being thereof legally convicted before any court of general quarter sessions of the peace of the city or county where such offence shall be committed, shall be fined the sum of fifty pounds, and be committed to jail, until he pays the fine and costs of prosecution: And if he shall not, within the space of thirty days, satisfy the judgment of the court, he shall be whipped with any number of lashes not exceeding thirty nine, on his bare back, well laid on.

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JOHN BAYARD, SPEAKER.

*Enacted into a law the 13th Day of June, 1777.*  
JOHN MORRIS, junior, clerk of the general assembly. §

## CHAPTER XXII.

*A supplement to the act, intitled, "An Act for amending the several acts for electing members of assembly."*

### SECTION I. WHEREAS by one of the said acts, Preamble,

intitled, "An Act to ascertain the number of members of assembly, and to regulate the elections," passed in the year of our Lord one thousand seven hundred and five, it is enacted, "That the sheriff, or some other of the persons appointed judges of the election of members of assembly, shall open the paper of an illiterate elector containing the names of those persons for whom he votes, read the same names, and ask such elector whether these are the persons for whom he votes."

SECT. 2. And whereas it is highly dangerous to the freedom of elections in this commonwealth that the sheriffs and other persons appointed judges of elections should continue to be invested with the power of searching and discovering for whom any elector shall vote to represent him: Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That from and after the passing of this act, no sheriff, coroner, in-

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spector, or judge of any election to be held for the city of Philadelphia, or for any of the counties in this state, for chusing one or more member or members of the general assembly, or of the executive council thereof, shall presume, before the end and closing of the poll of such election, to unfold or open the whole or any part of the scroll of paper containing the names of the persons voted for and delivered in by any of the electors, and to look over or read the names thereon written, or any of them, under the penalty of ten pounds to be sued for, recovered and appropriated as is herein after directed.

**Repeal of a clause in the election act of 1705.**

SECT. 3. And to remove all pretences of judges and inspectors to investigate for whom any of the electors will vote, *Be it further enacted*, That one clause in the aforesaid act of general assembly which alloweth the electors verbally to give in the names of such persons as they mostly desire should be chosen, and the clerks of the election to enter down such names, is hereby expressly repealed.

**Annual elec-  
tions to  
be held on  
the second  
Tuesday of  
October.**

SECT. 4. *And be it further enacted by the authority aforesaid*, That the annual elections of the members of the house of representatives and of the executive council of this state, and of all such officers as under any law of the former government are to be elected on the same day on which the members of assembly were elected, shall from henceforth be held on the second Tuesday of the month of October in every year, at such places as is herein after ordained, that is to say,

The elections for the city of Philadelphia at the state house as usual.

**The places  
of election  
for the  
county of  
Philadelphia.**

SECT. 5. The elections for the county of Philadelphia, which is divided into three districts, shall be held in three places, to wit. The freemen of the Northern Liberties, Southwark, and the townships of Moyamensing, Passyunk and Kingessing, being the first district, shall hold their elections at the state house, as usual. The freemen of the townships of Germantown, Roxborough, Bristol, Oxford, Lower Dublin, Byberry, Cheltenham, Abington, Moreland, Upper Dublin, Horsham, Whitemarsh, Springfield, Plymouth, Blockley and Lower Merion, being the second district, shall hold their elections in Germantown, at the public house formerly kept by Jacob Coleman. And the freemen of the townships of Douglass, New Hanover, Limerick, Frederick, Marlborough, Upper Hanover, Upper Salford, Worcester, Providence, Perkiomon and Skippack,

pack, Lower Salford, Franconia, Hatfield, Towamensing, Whitpain, Norriton, Upper Merion, Montgomery and Gwinned, being the third district, shall hold their election at Jacob Wentz's, in the township of Worcester.

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monwealth.

SECT. 6. The elections for the county of Chester, which is divided into three districts, shall be held in three places, to wit. The freemen of the townships of Chester, Upper Chichester, Lower Chichester, Bethel, Ashton, Concord, Middleton, Thornbury, Birmingham, Nether Providence, Upper Providence, Ridley, Marple, Springfield, Darby, Haverford, Newtown, Edgmont, Willistown and Radnor, being the first district, shall hold their election at the borough of Chester. The freemen of the townships of London Grove, East and West Marlborough, Kennet, Pennsbury, Newlyn, New Garden, London Britain, New London, Londonderry, East and West Nottingham, Oxford, East and West Fallowfield and Sadsbury, being the second district, shall hold their election at Chatham, formerly called the Halfway House. And the freemen of the townships of East and West Bradford, West Caln, Charles Town, Tredeffryn, Uwchland, Pikeland, Coventry, East and West Whiteland, East and West Nantmel, East Caln, Eastown, Westown, Goshen and Vincent, being the third district, shall hold their election at the house of Joseph Bentley, commonly called the Red Lion.

The places  
of election  
for the  
county of  
Chester.

SECT. 7. The electors for the county of Bucks, which is divided into two districts, shall be held at two places, to wit. The freemen of the townships of Millford, Richland, Springfield, Durham, Haycock, Nocamixon, Tinicum, Bedminster, Rockhill, Hillton and Plumstead, being the first district, shall hold their election at the house of Andrew Kuchlen, in Rockhill. And the freemen of all the rest of the townships of the said county, at the court house in Newtown.

The places  
of election  
for the  
county of  
Bucks.

SECT. 8. The elections for the county of Lancaster, which is divided into six districts, shall be held in six places, to wit. The freemen of the borough of Lancaster, and the townships of Lancaster, Leacock, Warwick, Manheim, Hempfield, Manor, Conneftogoe and Lampeter, being the first district, shall hold their election at the court house in the borough of Lancaster. The freemen of the townships of Little Britain, Drummore, Bart, Colerain, Martick, Strasburg and Sadsbury, being the second district, at the house of

The places  
of election  
for the  
county of  
Lancaster.

James

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monweal'th.*

James Porter, junior, in Drummore. The freemen of the townships of Derry, Londonderry, Rapho, Donegal and Mountjoy, being the third district, at the sign of the Bear in Elisabeth Town, in Donegal township. The freemen of the townships of Salsbury, Caernarvon, Brecknock, Earl and Cocalico, being the fourth district, at New Holland, in Earl township. The freemen of the townships of Elisabeth, Bethel, Heidelberg, Lebanon and East Hanover, being the fifth district, at the town of Lebanon. And the freemen of the townships of West Hanover, Paxtang and Upper Paxtang, being the sixth district, at Garber's Mill, in Lower Paxtang township.

*The places  
of election  
for the  
county of  
York.*

SECT. 9. The elections for the county of York, which is divided into five districts, shall be held in five places, to wit. The freemen of York town, and the townships of York, Manchester, Dover, Codorus, Shrewsbury, Windsor and Hallam, being the first district, shall hold their election at the court house in York Town. The freemen of the townships of Cumberland, Hamilton's Bann, Straban, Mountjoy, Menallan and Tyrone, being the second district, at the house of Samuel Gattis, in Cumberland township. The freemen of the townships of Heidelberg, Berwick, Mount Pleasant, Manheim, Paradise and Germany, being the third district, at Hanover Town. The freemen of the townships of Faun, Hopewell and Chanceford, being the fourth district, at Thompson's Mill, near the junction of the said three townships. And the freemen of the townships of Newberry, Warrington, Manahan, Huntingdon and Reading, being the fifth district, at the house of Robert Stevenson, in Warrington township.

*The places  
of election  
for the  
county of  
Cumber-  
land.*

SECT. 10. The elections for the county of Cumberland, which is divided into four districts, shall be held in four places, to wit. The freemen of the town of Carlisle, and of the townships of East and West Pennsborough, Allen, Middleton, Newtown and Hopewell, being the first district, shall hold their election at the court house in the town of Carlisle. The freemen of the townships of Antrim, Peters, Guilford, Hamilton, Fannet, Lurgan and Letterkenny, being the second district, at Chambersburg, in Guilford township. The freemen of the townships of Tyrone, Tyboyne and Rye, being the third district, at William M'Clure's, esquire, in the township of Tyrone. And the freemen of the townships of Milford, Greenwood, Armagh,

Armagh, Leck, Derry and Farmanagh, being the fourth district, at the house of James Purdy, in Farmanagh.

SECT. 11. The elections for the county of Berks shall be held at the court house of the town of Reading, in the said county, as usual.

SECT. 12. The elections for the county of Northampton, which is divided into four districts, shall be held in four places, to wit. The freemen of the town of Easton, and of the townships of Easton, William, Lower Sauccon, Bethlehem, Forks, Mount Bethel and Plainfield, being the first district, shall hold their election at the court house in Easton aforesaid. The freemen of the townships of Northampton, Salisbury, Upper Sauccon, Upper Milford, Maccony, Weisenberg, Lynn, Whitehall, Heidelberg and Lowhill, being the second district, at the town of Northampton. The freemen of the townships of Allen, Moore, Chesnuthill, Towamensing, Penn and Lehigh, being the third district, at the house of Peter Anthony, in Lehigh township. And the freemen of the townships of Hamilton, Lower Smithfield, Delaware and Upper Smithfield, being the fourth district, at the house of Nicholas Dupuy, in Lower Smithfield township.

SECT. 13. The elections for the county of Bedford, which is divided into four districts, shall be held in four places, to wit. The freemen of the town of Bedford, and the townships of Bedford, Coleraine and Cumberland Valley, being the first district, shall hold their elections at the court house of the said town of Bedford. The freemen of the townships of Bethel, Air and Dublin, being the second district, at the house of John Burd, at Fort Littleton. The freemen of the townships of Barre, Hopewell and Frankstown, being the third district, at the place called the Standing Stone. And the freemen of the townships of Brothers Valley, Turkey Foot and Quesnachoning, being the fourth district, at the house of John Kemberline, near the junction of the said three townships.

SECT. 14. The elections for the county of Northumberland, which is divided into four districts, shall be held in four places, to wit. The freemen of the townships of Augusta, Penns and Mahoney, being the first district, shall hold their election at the town of Sunbury. The freemen of the townships of Turbit, Mahoning and Wyoming, being the second district, at the town of Northumberland. The freemen

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The places  
of election  
for the  
county of  
Berks.

The places  
of election  
for the  
county of  
Northampton.

The places  
of election  
for the  
county of  
Bedford.

The places  
of election  
for the  
county of  
Northum-  
berland

## H I S   E X C E L L E N C Y

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monwealth.

The places  
of election  
for the  
county of  
Westmore-  
land.

No person  
to vote  
more than  
once.

Occasional  
elections to  
be held at  
the same  
places,

of which  
the sheriff,  
&c. to give  
eight days  
notice,

and make  
returns to  
the presi-  
dent and  
assembly.

of the townships of Buffaloe, White Deer and Potter, being the third district, at Foutz's Mill, in Buffaloe aforesaid. And the freemen of the townships of Munsey and Bald Eagle, being the fourth district, at the house of Amariah Sutton, in Munsey township.

**SECT. 15.** And the elections for the county of Westmoreland, which is divided into four districts, shall be held in four places, to wit. The freemen of the county on the north side of Kiskemenetas and Cannemach, being the first district, shall hold their election at captain Samuel Moorhead's Mill. The freemen of the country bounded by the Laurel Hill, Cannemach, the Chesnut Ridge and the Yoghagany, being the second district, at Fort Ligonier. The freemen of the country on the south side of the said river Yoghagany, being the third district, at Sparks fort, in Tyrone township. And all the freemen not included in the aforementioned districts, at Hannah's Town.

**SECT. 16.** *Provided always, and it is hereby further enacted,* That no person, who has lands and tenements in two districts, or in two counties, shall vote in more than one district or county in this state, at any one election, any law or custom to the contrary thereof notwithstanding.

**SECT. 17.** *And be it further enacted,* That all the elections for members of the general assembly or of the executive council, to be held in pursuance of any writ or writs which shall be issued by the president or vice president in council, or by the speaker of the house of assembly, shall be holden in the said city and counties respectively, at the same places where the annual elections are by this act directed to be holden; and that the sheriff, coroner, and other persons who shall have it in charge to execute such writ or writs, shall give public notice of the time and place of election, and proceed thereupon as directed by the said first recited act, within the space of fifteen days after the receipt of such writ or writs aforesaid, and give eight days notice of the day of election, which notice shall be given in writing or print, and shall be proclaimed and published in the same manner as is directed in and by an act, intituled, "*An Act to ascertain the number of members of assembly, and to regulate elections.*" And that the returns, as well of the annual elections as of the occasional elections, held by writ, shall be made in the same manner as the aforesaid act directs, and one part thereof delivered to the president or vice president

of the council for the time being, and the other to the house of representatives.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the freemen of the several wards of the city of Philadelphia, and of the several townships in the said counties, shall elect their inspectors of the elections on the Saturday next preceding the annual elections of this state, in the same manner and to the same effect as is directed and provided in and by an act of general assembly of this state, intitled, “*An Act directing the choice of inspectors, and for holding the general elections in this province,*” passed in the year of our Lord one thousand seven hundred and sixty six. And that the inspectors who shall be chosen in pursuance of the said act, or a majority of them, shall in the morning of the day of any election, at their meeting in the place appointed for the district to which they belong, chuse and take to their assistance three reputable and discreet persons, who, with the sheriff or coroner (if he be present) shall be judges of the election, and shall qualify themselves by reading, if no justice of the peace be present; and each justice, if present, is hereby enjoined and required to administer the following oath or affirmation: — “I do swear (or affirm) that I will duly attend the ensuing election during the continuance thereof, and well, truly and faithfully assist the inspectors of this election to prevent all fraud and deceit whatsoever, of electors or others, in carrying on the same.” — And that thereupon the constables or overseers of the poor of the several townships belonging to the district in which the election is to be held, shall make their returns of the names of the persons chosen inspectors for the said township respectively, unto the judge’s assistants who were so qualified as aforesaid. And the said judges, or any one of them, shall administer an oath or affirmation to the inspectors, “That they the said inspectors will duly attend the ensuing election during the continuance thereof, and well, truly and faithfully assist the sheriff and coroner, if they or either of them be present, and the aforesaid judges of the election, to prevent all fraud and deceit whatsoever of electors or others in carrying on the same, and in causing the polls or votes at such election to be taken marked off upon their respective lists, and cast up, as by the several acts of general assembly of this state it is directed and en-

joined.”

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monwealth.

Inspectors  
to be cho-  
sen on the  
Saturday  
preceding  
the annual  
election.

Inspectors  
to choose  
judges.

The judges  
oath.

The inspec-  
tors oath.

## H I S E X C E L L E N C Y

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 of the Commonwealth.

The elect-  
ors oath.

"joined." And the said judges shall open the said election at some time between the hours of ten in the morning and two in the afternoon of the day of election. And the said inspectors shall, and they are hereby authorised to, administer to every elector or person presenting his ticket, who shall be suspected by any of the judges not to be entitled to vote, on oath or affirmation (instead of the oath or affirmation prescribed by the said last mentioned act of assembly) in the words following, to wit. "That he is twenty one years of age, and a free-man of the county of —, that he has resided in this state for the space of one whole year, and paid public taxes during that time (or he is the son of a freeholder in this state who payeth taxes,) and that he has not voted already, nor will vote at this election, in any other district of the said county, or in any of the other counties of this state."

S E C T. 19. *And be it enacted,* That every person, coming to vote for members of assembly or executive council, who shall present his ticket to any inspector or elector, shall produce a certificate, of his having taken and subscribed the oath or affirmation of allegiance, as directed in and by an act of general assembly, intitled, *An Act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned;* and the inspector to whom such ticket shall be presented shall not receive such ticket until such person shall have taken the said oath or affirmation, which any inspector of election is hereby empowered and required to administer.

Judges, &c.  
 shall cast up  
 the num-  
 bers, make  
 a certifi-  
 cate  
 thereof,  
 produce  
 the same before  
 the inspect-  
 or.

S E C T. 20. *And be it further enacted by the authority aforesaid,* That after the election shall be ended, the poll closed, and the number of votes to each candidate happening cast up, the aforesaid judges and inspectors, or a majority of them, shall make out, under their hands and seals, a fair list and certificate of the names of the persons voted for in the respective offices for which the election is held, and of the number of votes received for each candidate, and one or more of the said judges shall take charge of and within the space of two days next after such election produce and deliver the said list and certificate in a meeting of all the judges, or at least of one for each of the districts so electing in the respective counties, to be convened at the court house of the county, and the judges of election so met shall compare the several lists and certificates of the different districts of the county, cast up the number of votes received for each candidate and certify and declare those

those who shall bear the highest number of votes to be duly elected, and make return thereof within the space of twelve days next following unto the president or vice president of the supreme executive council for the time being, and to the house of representatives at their next sitting.

**SECT. 21.** *And be it further enacted by the authority aforesaid,* That if any judge or inspector of election, overseer of the poor, or constable of the city of Philadelphia, or of any borough or township in this state, shall refuse or neglect to do the duties hereby enjoined them, or shall wilfully misbehave in the doing thereof, he or they shall forfeit and pay, if a judge or inspector of election, any sum not exceeding fifty pounds, and if an overseer of the poor or constable, any sum not exceeding five pounds. And that the fines and penalties by this act set and imposed shall be recovered as common debts, according to the quantity or amount thereof, either by process of court, or before one of the justices of the peace, or of the court of common pleas of the county where the offence is committed, and shall go and be appropriated, one half thereof to the person or persons who will sue or prosecute for the same, and the other half to the public treasury of this state.

**SECT. 22.** *Provided always,* That all actions and prosecutions against any person and persons whatsoever, for or by reason of any matter or thing done contrary to the directions of this act, shall be brought and commenced within the space of three months next after cause of such action or prosecution accrued.

**SECT. 23.** *And be it further enacted,* That so much of the aforesaid acts, to which this act is a supplement as is herein altered or supplied, shall be and is hereby repealed.

JOHN BAYARD, SPEAKER.

*Enacted into a law the 14th day of June, in the  
year 1777.*

JOHN MORRIS, junior, clerk of the general assembly.

1777.  
*The first Year  
of the Com-  
monwealib.*

Fines on  
judges, in-  
spectors,  
overseers  
and consta-  
bles, and  
how to be  
recovered.

Prosecuti-  
ons to be  
brought  
within  
three  
monts.

### C H A P T E R XXIII.

*A supplement to the act, intitled, "An Act directing the mode of collecting the fines imposed on persons who did not meet and exercise, in order to learn the art military, according to the resolves of the late assembly of Pennsylvania."*

**SECTION I.** **W**HÈREAS for the speedy execution of the good purposes to which the Preamble, said resolves of the late, and the said act, of the present,

T general

1777.  
 The first Year  
 of the Com-  
 monweal'th.

'general assembly of this state were agreed upon and passed, several certain days were, in and by the same act to which this is a supplement, expressly and peremptorily stated and fixed for the doing of several matters and things necessary to be done in order to obtain the end and effect of the said resolves, that is to say, The twenty eighth day of February last past was fixed for the day of meeting of the commissioners of the several counties of this state, and appointing proper persons to make returns in writing for every ward, township and district where such returns had not been already made, of the names and surnames of every male white person who at the time of passing the said resolves were capable of bearing arms, and between the ages of sixteen and fifty years (except of such persons as by the said act were excepted.) The eleventh and twenty seventh days of March then next following were fixed for the days on which the persons appointed by the commissioners should have brought in the lists and made their returns to the commissioners. The twentieth day of the same month of March was fixed for the day on or before which the captains or commanding officers of companies in the militia should return to their respective colonels lists of the associators; and the twenty seventh day of the same month for the day on or before which the said colonels should return duplicates of the said company lists unto the said commissioners. The tenth day of April then next following was fixed for the day of meeting of all or any four of the assessors of the city of Philadelphia and of the several counties within this state respectively, together with one or more of the commissioners, and to appoint collectors of the said fines. And the twelfth day of May then next following was fixed for the return day of the collectors and the appeal day before the commissioners.

SECT. 2. *And whereas* in several of the counties of this state the commissioners have not entered upon the execution of the aforesaid act, and in others a beginning thereof is made, but the making of the proper returns, appointing collectors of the said fines, and several other matters by the said act of general assembly directed to be done on a certain day and within a limited time (which is since expired) remain undone to this day, to the great hurt of the public cause, and the particular damage of many of the good subjects of this state, for whose relief the said fines and the act of assembly for collecting the same were intended and made. For remedying whereof, *Be it enacted,*  
*and it is hereby enacted by the representatives of the free-*  
*men*

men of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That the commissioners of the city of Philadelphia and of the several counties of this state, or any two of them in the said city and in each county, shall, within the space of thirty days from the publication of this act, or as soon as possible afterwards, meet at the court house of the said city or county for which they are commissioners, or at any other place in the said city or county where it shall seem most convenient to them, and make diligent and strict enquiry of, and ascertain what proceedings have been had in the said city or counties respectively, upon the aforesaid resolves of the late assembly of Pennsylvania, or in pursuance of the said act of general assembly to which this is a supplement; and wherever they shall find that the returns of persons capable of bearing arms, and within the description of the said act, have not already been made, they shall immediately proceed to appoint a proper person for each ward, township or district, to make such returns in manner and form as by the said act is directed, and shall fix a day, or days, on which the persons so to be appointed shall make their returns to them the said commissioners, not exceeding twenty days from the date of their appointment. And that the captains or commanding officers of companies of the militia who have not made out lists of the persons belonging to their companies, and the colonels who have not made duplicates thereof and returned the same, shall, and they are hereby required, according to the best of their knowledge and ability, to make and return such lists and duplicates as by the said act is directed, within the space of thirty days from the publication of this act. And that the commissioners, assessors, collectors of fines, and all other persons whatsoever who by the aforesaid act of assembly to which this is a supplement, or within the true meaning and intent thereof, are enjoined and required to do any act, matter or thing relative to the end and purpose of assessing levying and collecting the fines imposed by the said resolves of the late assembly, shall do and perform each of them his duty as far as it remains yet undone, within such time as the county commissioners or assessors shall, from time to time, fix upon, and give notice thereof in the same line and order of the whole business through the different stages thereof from the first meeting of the commissioners to the collecting and paying into the treasury the said fines, as by the said act to which this is a supplement are marked out and directed to be followed,

not-

1777.  
The first Year  
of the Com-  
monwealth.

The com-  
missioners  
to meet  
within thir-  
ty days at  
the court  
house, and  
there en-  
quire what  
proceed-  
ings have  
been in  
pursuance  
of the act  
and re-  
solves.

They shall  
appoint  
persons to  
make re-  
turns.

Comman-  
ding officers  
to make  
lists and re-  
turns.

The com-  
missioners,  
&c. to do  
as directed  
by the said  
act

1777.  
The first Year  
of the Com-  
mmonwealth.

In case of  
absence, or  
neglect of  
commission-  
ers,

the Sheriff  
shall ap-  
point  
others in  
their room;

and if they  
refuse, shall  
appoint  
others.

notwithstanding that the several days and times in and by the aforesaid act of assembly fixed and limited are past and expired.

SECT 3. And in order to provide against any future delays and obstructions in collecting the said fines, *Be it further enacted by the authority aforesaid*, That if it shall happen that in the city of Philadelphia, or in any of the counties of this state, the commissioners for the time being, or any two of them, by reason of sickness or of being out of the said city or county in the service of the public, or for any other reason whatsoever shall or will not attend to the duties hereby enjoined them, the sheriff of the said city or county where such commissioner or commissioners shall be wanting, shall, under the penalty of one hundred pounds, without any delay, make out a summons under his hand and seal, directed to some one or two of the freeholders of his city or county who have heretofore been in the office of commissioners, or in any other office of public trust depending upon the choice of the people or their representatives, commanding him or them to do and perform the several acts, matters and things which by this act, and the act to which it is a supplement, are directed to be done by the commissioner or commissioners who cannot or will not attend as the case shall require; and the person or persons so summoned by the sheriff under the authority of this act shall obey his summons, and proceed to do the duties of a commissioner or commissioners for the purpose of executing the said resolves and act of assembly, under the same penalties as by the said act are imposed on commissioners actually in office who refuse to act. And if the person or persons so summoned by the sheriff as aforesaid shall refuse or neglect to do the duties of commissioner or commissioners for the purpose required of him or them, the sheriff shall, in like manner, summon another or others as often as the case shall require, until two persons shall be willing and active in doing the duties required of commissioners by this act, and the act to which it is a supplement. And that the commissioners, assessors, collectors and other persons, who have refused or neglected to expedite the business and perform the duties enjoined them by the aforesaid act within the time thereby limited, shall, if they again refuse or neglect to do and expedite the time within limited by this act the same business and duty, they shall forfeit and pay double the fines and penalties imposed by the act of assembly to which this is a supplement.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the former county commissioners and assessors who are now out of office and have not yet delivered to the present commissioners and assessors all the books, minutes, accounts and treasurer's bonds belonging to the commissioners and assessors, shall, within the space of three days after demand made, deliver the same to the commissioners and assessors for the time being, under the penalty of five hundred pounds.

1777.  
The first Year  
of the Com-  
monwealth.

Former  
commissi-  
oners, &c.  
to deliver  
up books,  
&c.

SECT. 5. *And be it further enacted,* That the commissioners and assessors of the several counties shall be allowed twelve shillings for each day for their service aforesaid: And that the persons to be appointed for making and returning the lists of all the persons capable of bearing arms in each township or districts, and the collectors of the fines, if they are employed in another township than that in which they dwell, shall have such reasonable allowances for their extraordinary trouble as the county commissioners, or the persons who shall act instead of the commissioners, shall think proper and ascertain, over and besides the wages limited by the act to which this is a supplement.

Allowances  
to the com-  
missioners,  
assessors,  
&c. for  
their trou-  
ble.

JOHN BAYARD, SPEAKER.

*Enacted into a law the 18th day of June, in the  
year 1777.*

JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER XXIV.

*An ACT to re-establish the ancient corporation of the burgesses and inhabitants of the borough of Lancaster, in the county of Lancaster.*

SECTION I. WHEREAS the said corporation, deriving its existence and freedom from the authority of the crown of Great Britain, became, upon the declaration of the independence of this state from that crown, immediately dissolved.

SECT. 2. *And whereas* it has been made appear to the legislature of this state, that it would be most conducive to the good government of the said borough if its ancient frame might, under the authority of the people, be restored to them, and their officers, who of course

1777.

The fifth Year  
of the Com-  
monwealth.

The presi-  
dent, &c.  
to appoint  
burgesses,  
assistants,  
high con-  
stable,  
town clerk,  
and clerk of  
the market,  
who shall  
take the  
oath of al-  
legiance.

Former  
rights, &c.  
restored  
to the bo-  
rough.

course have discontinued themselves, might be reinstated by the law of the land and have perpetual succession, so that the inhabitants of the said borough could go on with their local government in the same way as they used to do under the charter of the late king, or the governor of Pennsylvania: *Be it therefore enacted, and it is hereby en-acted by the representatives of the freemen of the com-monwealth of Pennsylvania in general assembly met, and by the authority of the same,* That the president or vice president of the supreme executive council of this com-monwealth for the time being, shall, as soon as conveniently can be, by letters patent under the great seal thereof, nominate and appoint for the said borough of Lancaster, two burgesses, one whereof to be called Chief Burges, six assistants (for common councilmen) one high constable, one town clerk, and one clerk of the market, all freeholders and inhabitants of the said borough, and shall, of the chief burges whom he is to appoint, take the oath or affirmation of allegiance which by an act of general assembly of this state passed in this session is re-quired to be taken, and an oath or affirmation for the due execution of his office as chief burges, and shall also, from time to time, when, and as often as the freeholders and inhabitants of the said borough shall have neglected or refused to hold their annual election of burgesses and other officers, nominate and appoint such elective officers: And the chief burges so to be nominated by him, and all future chief burgesses that shall be elected by the people, shall qualify in the manner aforesaid. And the said chief burges, after he shall have qualified as aforesaid, or any other justice of the peace for the said county of Lan-caster, is hereby required and impowered to administer the said oath or affirmation of allegiance, and also the oath or affirmation of office to the other burges, to the said six assistants, (or common councilmen) to the said high con-table, to the said town clerk, and to the said clerk of the market.

SECT 3. *And it is hereby further enacted by the authority aforesaid,* That all the rights, liberties, franchises, immuni-ties, powers and privileges in and by the before men-tioned charter to the former burgesses, freeholders and in-habitants of the borough of Lancaster granted, shall be, and are hereby to the said freeholders and inhabitants re-stored, and from and after the first appointment of bur-gesses and other officers of the said borough to be made by the president, shall be re-established and continue in the then burgesses and inhabitants of the borough of Lan-caster,

caster, in the county of Lancaster, and their successors forever, by the name aforesaid, to the same effect as if such rights, franchises, immunities, powers and privileges as in the said charter have been granted were in and by this act enumerated and repeated. And that all the estates and interest in lands and tenements, goods and chattels, heretofore by the said corporation under their charter purchased or acquired, shall be and remain the estate and property of the burgesses and inhabitants of the said borough re-established by law, and to their successors forever. And that all contracts by the said ancient corporation made with any person and persons whatsoever, shall be binding upon, and in favour of the corporation by this act re-established: And all actions and suits commenced and depending, wherein the said ancient corporation were either plaintiffs or defendants, shall be continued by and between the corporation by this act re-established, and the respective plaintiffs or defendants in the same actions or suits, as if the said ancient corporation had subsisted without interruption, any law or usage to the contrary in any wise notwithstanding.

SECT. 4. *Provided always, and it is hereby further enacted,* That the common seal hitherto used of the said corporation, shall be so broken or defaced that no further use thereof may be made to any instrument of the said corporation. And that the burgesses and common council of the said borough of Lancaster next to be appointed, shall cause a new seal to be made and engraved with such device and inscriptions as to them shall seem meet, which shall from thenceforth be used to all public instruments and acts to the said corporation.

1777.  
The first Year  
of the Com-  
monwealth.

And all for-  
mer estates

and con-  
tracts shall  
remain  
good,  
and former  
actions  
which were  
undeter-  
mined, shall  
be revived.

Old seal to  
be destroy-  
ed,

and a new  
seal to be  
made.

JOHN BAYARD, SPEAKER.

Enacted into a law the 19th day of June, in the

year, 1777.

JOHN MORRIS, junior, clerk of the general assembly. } }

## CHAPTER XXV.

*A supplement to the a&t, intitled, "An A&t to regulate the  
" militia of the commonwealth of Pennsylvania."*

Passed June 19th, 1777. Recorded in Law Book Vol. 1. Page 133, &c.  
Repealed March 20, 1780.

CHAP.

1777.

*The first year  
of the Com-  
monwealth.*

## CHAPTER XXVI.

*An ACT to prohibit the sale of goods, wares and merchandises by public vendue, and to regulate pedlars and hawkers in this state.*

Passed June 19th, 1777. Recorded in Law Book Vol. I. Page 136, &c.  
Repealed November 26th, 1779.

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## CHAPTER XXVII.

*An ACT to empower the supreme executive council of this commonwealth to provide for the security thereof, in special cases, where no provision is already made by law.*

Passed September 16th, 1777. Recorded in Law Book Vol. I. Page 137, &c.  
Expired.

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## CHAPTER XXVIII.

*An ACT making provision for the relief of officers, soldiers, marines and seamen, who in the course of the present war, being in the service of the united states of America, have been, or shall be maimed, or otherwise disabled from getting their livelihood, and shall be resident in, or belonging to the state of Pennsylvania.*

Preamble.

WHEREAS the delegates of the united states of America, in congress, on the twenty sixth day of August, one thousand seven hundred and seventy six, on behalf of such commissioned and non commissioned officers of the army and navy, as also private soldiers, marines and seamen, as in the course of the present war might lose a limb, or be otherwise so disabled, as to prevent their serving in the army or navy, or getting their livelihood, and might stand in need of relief, did enter into the following resolves, to wit:

Recital of  
resolves of  
congress.

" That every commissioned officer, non commissioned officer, and private soldier, who shall lose a limb in any engagement, or be so disabled in the service of the united states of America, as to render him incapable afterwards of getting a livelihood, shall receive during his life, or the continuance of such disability, the one half of his monthly pay, from and after the time that his pay as an officer or soldier ceases; to be paid by the committee, as hereafter mentioned;

" That

"That every commander of any ship of war, or armed vessel, commissioned officer, warrant officer, marine or seaman, belonging to the united states of America, who shall lose a limb in any engagement, in which no prize shall be taken, or be therein otherwise so disabled, as to be rendered incapable of getting a livelihood, shall receive during his life, or the continuance of such disability, the one half of his monthly pay, from and after the time that his pay as an officer, marine, or seaman ceases, to be paid as hereafter mentioned; but in case a prize shall be taken, at the time of such loss of limb, or other disability shall happen, then such sum as he may receive out of the net profits of such prize, before a dividend is made of the same, agreeable to former orders of congress, shall be considered as part of his half pay, and computed accordingly."

"That every commissioned officer, non commissioned officer, and private soldier in the army; and every commander, commissioned officer, warrant officer, marine or seaman of any of the ships of war, or armed vessels, belonging to the united states of America, who shall be wounded in any engagement, so as to be rendered incapable of serving in the army or navy, though not totally disabled from getting a livelihood, shall receive such monthly sum towards his subsistence, as shall be judged adequate by the assembly, or other representative body of the state, where he belongs or resides, upon application to them for that purpose, provided the same doth not exceed his half pay."

"That no commissioned officer, noncommissioned officer, and private soldier in the army; commander, commissioned officer, warrant officer, marine or seaman of any of the ships of war, or armed vessels, belonging to the united states of America, who shall be wounded or disabled, as aforesaid, shall be entitled to his half pay, or other allowance, unless he produce to the committee, or officer appointed to receive the same, in the state where he resides or belongs, or to the assembly or legislative body of such state, a certificate from the commanding officer, who was in the same engagement, in which he was so wounded, or in case of his death, from some other officer in the same corps, and the surgeon that attended him, or a certificate from the commander of the ship of war, or armed vessel, engaged in the action, in which any of-

1777.  
*The first Year  
of the Com-  
monwealth.*

## H I S   E X C E L L E N C Y

1777.

The first year  
of the Com-  
monwealth,

ficer, marine or seaman received his wound, and from the surgeon who attended him, of the name of the person so wounded, his office, rank, department, regiment, company, ship of war, or armed vessel to which he belonged, his office or rank therein, the nature of his wound, or in what action, or engagement he received it."

And the said delegates in congress did at the same time recommend to the several assemblies or legislative bodies of the united states of America, "to appoint some person or persons in their respective states, who shall receive and examine all such certificates as may be presented to them, and register the same in a book, and also what support is adjudged by the assembly or legislative body of their state, to those whose case requires but a partial support, and also of the payment from time to time of every half pay and other allowance, and of the death of such disabled persons, or ceasing of such allowance, and shall make a fair and regular report of the same, quarterly, to the secretary of congress, or board of war, where a separate record shall be kept of the same; and to cause payment to be made of all such half pay or other allowance as shall be adjudged due to the persons afore named, on account of the united states."

Therefore, as well in deference to the aforesaid recommendation of congress, as in justice and gratitude to such brave men who already have, or hereafter may step forth in the service of their country, and in the same have been or may be so unfortunate as to come within the description of the said resolves, and in order to provide for their relief,

Wounded  
officer, &c.  
to apply to  
a justice;

and pro-  
duce a cer-  
tificate of  
his wound

*Be it enacted, and it is hereby enacted by the representa-  
tives of the freemen of the commonwealth of Pennsyl-  
vania in general assembly met, and by the authority of the  
same, That upon the application of any officer of the  
army or navy, private soldier, marine or seaman, who in  
the course of the present war, shall have lost a limb or  
be otherwise so disabled as to prevent his serving in the  
army or navy, or getting his livelihood; made to any  
one of the justices of the peace in the several coun-  
ties of this state for such relief as by the said reslove  
of congress is provided for him, and shall produce to  
the said justice a certificate from the commanding of-  
ficer in the same engagement, or of the ship of war  
or armed vessel in which he was so wounded, or in  
case*

case of the death of the commander, from some other officer in the same corps or ship, or from the surgeon that attended him, setting forth the name of the person so wounded, his office, rank, department, regiment, company, ship of war or armed vessel, to which he belonged, the nature of his wound, and in what action or engagement he received it, the said justice shall, and he is hereby enjoined and required to call to his assistance two reputable freeholders of his neighbourhood, with whom he shall inspect and carefully examine the certificate presented, the state and condition of the person so applying, and the same certificate being found genuine and made out in the order as by the said resolves it is directed to be made, the said justice and freeholders shall adjust and settle the monthly pay which the bearer of such certificate shall receive agreeable to the resolves, not exceeding the half pay and rations that such officer or private was intitled to at the time he received the wound, to commence from the time that his pay or subsistence in the army or navy ceased. And the said justice of the peace and freeholders shall indorse or affix to the said certificate an order under their hands and seals, directed to the treasurer of the state tax, in the county in which the said justice resides, requiring him to pay to the person so disabled as aforesaid, the monthly pension allowed on his said certificate, and shall transmit the said original certificate and order to the recorder of the county, to be registered in a book. And the said recorder shall make out a copy of the said certificate and order under the seal of his office, and shall deliver the said copy to the person in the said certificate and order named.

*Provided always,* That upon the application of any officer or private of the marines and seamen, the said justice and freeholders shall make enquiry whether at the time of the said officer or private's receiving his wound, any prize was taken, and what dividend the disabled person shall have received, or is to receive, and shall administer to him an oath respecting such prize, so that a deduction of the amount thereof may be made out of his monthly pension agreeable to the said resolves of congress.

*And be it further enacted by the authority aforesaid,* That the treasurer of the state tax to whom such certificate under the seal aforesaid shall be produced and shewn, shall pay the bearer thereof such monthly pension as shall be allowed to him by the said justice and freeholders, from the time that shall be fixed in the said order, and so from month

1777.  
The fifth Year  
of the Com-  
monwealth.

The justice  
and two  
freeholders  
to fix the  
monthly  
pay,

which they  
shall en-  
dorse on the  
certificate.

Certificate  
to be re-  
corded.

Proviso—  
where any  
prize has  
been taken.

Treasurer  
to pay the  
monthly  
pension.

1777.

*The first Year  
of the Com-  
monwealth.*Recorder to  
deliver the  
certificates  
to the trea-  
surer.

Proviso.

Proviso,  
That no  
pensioner  
may assign  
his pension,  
except, &c.Persons  
purchasing  
such assign-  
ments shall  
forfeit the  
sum con-  
tracted for.Fees of the  
justice, free-  
holders and  
recorder.

month to month during his disability and residence in the county, or until other order shall be made by the assembly with respect to such pensioner or pensioners. And the recorder shall at every quarter sessions of the respective counties, have in court all the original certificates and orders by them filed, and deliver the same to the treasurer, who shall keep them as vouchers to his account with the committee of assembly; and shall within sixty days after the court, transmit a fair and regular report to the secretary of congress, or board of war.

*Provided,* That all such pensioned officers, soldiers, marines and seamen, as shall be found capable of doing duty in any department of the land or sea service, be liable to be employed therein, and upon refusal thereof shall forfeit and lose the pension allowed to him or them.

*Provided also, and it is hereby further enacted by the authority aforesaid,* That no officer, soldier, marine or seaman who receives his pension in this state, shall sell or assign, or otherwise dispose of his certificate and order of monthly pay, or any part or number of monthly payments thereon to become due to him, to any person or persons whatsoever, for any consideration or price whatsoever, except it be for the maintaining such pensioner during life or as long as he shall receive that pension. And all contracts for maintaining during life or during the time the pension lasts, shall be made in the presence of one justice of peace and of the overseers of the poor of the city, township or district respectively, and security given to their satisfaction. And that the person or persons who shall presume to make such purchase or take such assignment as aforesaid from any pensioner, except as in the case before excepted, being legally convicted thereof in any court of general quarter sessions of the peace of this state, or in the supreme court of the same, shall forfeit and pay a sum equal to the sum which he has paid or contracted to be paid for such assignment of such pension, to any person who will sue or prosecute for the same, and the pensioner who has contracted for the sale or assignment of his pension shall be admitted as an evidence to the indictment, even in case he should become the prosecutor.

*And be it further enacted by the authority aforesaid,* That the justice of the peace and the freeholders that shall examine the certificates and make the orders for the payment of the pensions, shall receive the sum of seven shillings and six pence for every order, and the recorder for

for recording the same and making out a copy thereof under seal, the sum of two shillings and six pence for each copy, which shall be settled and allowed at every court of quarter sessions and paid by the said treasurer at the charge of the united states.

1777.  
The first Year  
of the Com-  
monwealth.

JOHN BAYARD, SPEAKER.

*Enacted into a law on the 18th day of September, in  
the year of our Lord, 1777.*

*JOHN MORRIS, junior, clerk of the general assembly.*

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C H A P T E R XXIX.

*A supplement to to an act, intitled, "An Act to enable  
" a smaller number of the members of assembly  
" than a quorum, to collect the absent members,  
" and issue writs for filling vacancies, occasioned by  
" neglect or refusal."*

WHEREAS by an act of general assembly of *preamble.* this commonwealth, intitled, "An Act to enable a smaller number of the members of assembly than a quorum, to collect the absent members, and issue writs for filling vacancies, occasioned by neglect or refusal," It is provided that the speaker and a smaller number of members than a quorum, are authorised and impowered to send for, and collect the absent members; and also to issue writs for the electing of members to supply the vacancies of such members, who do neglect or refuse to attend. But as there is no provision made by the said recited act, to enable a smaller number of members than a quorum, when met, to issue writs for the holding of elections in the city of Philadelphia, or such counties as shall have neglected or refused to elect the same.

And whereas the present invasion, and various movements of the enemy, may render it impracticable for some parts of this state to elect representatives, and other elective officers, at the times and places appointed by law, by which means a quorum, agreeable to the constitution, may happen not to be elected, and consequently the public business delayed, to the great injury of this commonwealth. For remedy whereof,

1777.

*The first year  
of the Com-  
monwealth.*Members  
met, may  
issue writs  
for electi-  
ons.To be held  
in the coun-  
ty, neglect-  
ing.

*Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That it shall and may be lawful for such of the members of assembly, though less in number than a quorum, who shall meet on the day fixed by the constitution of this state, or a majority of them, to issue a writ or writs to the sheriff, coroner, or any other person whom they shall appoint, in the said city or counties respectively, which shall so have neglected or refused, commanding the said sheriff, coroner or other person, to whom the said writ or writs shall be directed to hold an election at certain times and places in the said writ or writs mentioned; which said places shall be somewhere within the said county, for which such election or elections shall be so held. And if it shall happen, that a new election shall be ordered to be held for the city of Philadelphia, and the same city shall be in the possession of the enemy, then the said election shall be appointed at some place, within the county of Philadelphia; and the said representatives, and other elective officers, chosen at the said time and places, shall be deemed and taken as the true and lawful representatives and other elective officers of the city or counties for which they shall be so respectively chosen or elected.*

JOHN BAYARD, SPEAKER.

*Enacted into a law, on Saturday, the 11th day of October, in the year of our Lord 1777.*

*JOHN MORRIS, junior, clerk of the general assembly.*

## C H A P T E R   XXX.

*A supplement to the act, intituled, "An Act obliging the male white inhabitants of this state, to give assurances of allegiance to the same, and for other purposes therein mentioned."*

*Passed October 12th, 1777. Recorded in Law Book Vol. I. Page 143, &c.  
Repealed December 5th, 1778.*

## C H A P T E R   XXXI.

*An ACT for constituting a council of safety, and vesting the same with the powers therein mentioned.*

*Passed October 13th, 1777. Recorded in Law Book Vol. I. Page 144 &c.  
Expired.*

C H A P -

## CHAPTER XXXII.

*A supplement to the act, intitled, "An Act for emitting the sum of two hundred thousand pounds, in bills of credit, for the defence of this state, and providing a fund for sinking the same, by a tax on all estates, real and personal, and on all taxables within the same."*

1777.  
The first Year  
of the Com-  
monwealth.

Passed October 13th, 1777. Recorded in Law Book Vol. I. Page 145, &c.  
Expired.

## CHAPTER XXXIII.

*A further supplement to the act, intitled, "An Act for emitting the sum of two hundred thousand pounds, in bills of credit, for the defence of this state, and providing a fund for sinking the same by a tax on all estates, real and personal, and on all taxables within the same."*

SECTION 1. WHEREAS by an act of general *Preamble.* assembly of this commonwealth, intitled, "An Act for emitting the sum of two hundred thousand pounds, in bills of credit, for the defence of this state, and providing a fund for sinking the same, by a tax on all estates, real and personal, and on all taxables within the same," it is enacted, That bills of credit to the said value of two hundred thousand pounds shall be prepared and printed, within three months next after the publication of the said act, under the care and direction of John Bayard, Robert Knox, Joseph Parker, and Michael Shubart, esquires, in the manner by the said act directed. And whereas by the hostile invasion of the state the businels aforesaid has been so hindred, that the same could not be completed in the time aforementioned, and the aforesaid Joseph Parker is deceased, and the said John Bayard and Robert Knox cannot constantly attend the businels aforesaid :

SECT. 2. Be it therefore enacted, and it is hereby enacted William by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That William Thorn, together with the said Michael Shubart, be, and they are hereby nominated and appointed to do and perform every act and thing, directed by the said act to which this is a supplement, to be performed or done, by the aforesaid John Bayard, Robert Knox, Joseph

1777.  
*The first Year  
of the Com-  
monwealth.*

Bills print-  
ed by them  
to be valid.

seph Parker, and Michael Shubart, for the completing so much of the said bills of credit as remain undone in as ample a manner as if the said William Thorn had been appointed in and by the said act.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the bills of credit which have been or shall be printed, numbered, signed and perfected agreeable to this act, and to the act to which this is a supplement, shall pass current within this state, and shall be as good and valid as if the same had been prepared, printed, numbered, signed and perfected within three months next after the publication of the act, to which this act is a supplement. And all persons who shall counterfeit, alter, or knowingly utter any counterfeited or altered bills in the similitude of the true bills issued by virtue of this act, shall be liable to the same punishments and penalties respectively as by the said recited act are directed to be inflicted.

JAMES M'LENE, SPEAKER.

*Enacted into a law at Lancaster, on Wednesday, the  
10th day of December, A. D. 1777.  
JOHN MORRIS, junior, clerk of the general assembly.*

### C H A P T E R   XXXIV.

*An ACT to empower the justices of Philadelphia and Chester counties, to hold courts at other places than usual.*

Passed December 12th, 1777. Recorded in Law Book Vol. I. Page 148, &c.  
Repealed August 19th, 1778.

### C H A P T E R   XXXV.

*An ACT to empower certain commissioners appointed by congress to take vigorous measures for the defence of the western frontiers of this state, and for other purposes therein mentioned.*

Passed December 20th, 1777. Recorded in Law Book Vol. I. Page 149, &c.  
Expired.

## CHAPTER XXXVI.

1777.

The first Year  
of the Com-  
monwealth.

*A supplement to the act, intituled, "An Act for emitting the sum of one hundred and fifty thousand pounds, in bills of credit, on loan, and providing a fund for the payment of public debts."*

SECTION 1. WHEREAS by an act of the general assembly of Pennsylvania, made and passed the twenty sixth day of February, in the year of our Lord one thousand seven hundred and seventy three, the sum of one hundred and fifty thousand pounds, in bills of credit, was ordered to be struck under the care and direction of the trustees of the loan office therein appointed; the said bills to be emitted on loan by the said trustees in the manner also directed by the said act of assembly: *And whereas*, by the said act it was provided, that if the said trustees, or any of them, should neglect or refuse to act as trustees, or should happen to die or be removed, some other fit person or persons should be appointed by the legislature in the place or places of such trustee or trustees. *And whereas*, all the said trustees have either neglected or refused to act further in the premises, and the business to them assigned in and by the said act of assembly not being yet completed, divers large sums of money being either due and outstanding, or remaining in the hands of the said trustees not lent, or which may have been collected and not yet disposed of:

SECT. 2. Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That Thomas Barclay, John Thorne, and John Agnew, esquires, shall be, and they are hereby appointed trustees of the said general loan office of the state of Pennsylvania, in the room and stead of Samuel Preston Moore, Amos Strettel, Abraham Chapman, Humphrey Marshal and Moses Brinton, esquires, the trustees in and by the said act of assembly appointed, and in the place and stead of every of them. And that each and every of the said trustees herein appointed, and their successors, and every of them, before he shall enter upon the execution of his trust, or any part thereof, shall give and duly execute a bond to the president of this commonwealth for the time being, and his successors, with three sufficient sureties, such as he shall approve of, in the sum of ten thousand pounds, conditioned for the faithful execution of the trust, and performance of all and every the acts, matters and things enjoined and required of him in and by this and the

New trus-  
tees ap-  
pointed,

1777.

*The first Year  
of the Com-  
monwealth.  
and make  
oath, &c.*

said act to which this is a supplement; and shall also take an oath or affirmation before some justice of the peace, in the words following, *viz.* I ----- will, to the best of my skill and knowledge, faithfully, impartially, and truly perform and discharge the trust required of me by an act of the general assembly of the commonwealth of Pennsylvania, intitled, “*A supplement to the act, intitled, An Act for emitting the sum of one hundred and fifty thousand pounds, in bills of credit on loan, and providing a fund for the payment of public debts,*” which oath or affirmation, so to be taken by the said trustees, shall be endorsed on their respective bonds; and the said bonds with the endorsements aforesaid, shall be delivered to the recorder of deeds for the county of Lancaster: And these bonds, or any of them, in case the same shall be forfeited, shall be sued and prosecuted, and the penalties thereof recovered in the name of the said president or his successors, for the use of this commonwealth.

Time when  
monies may  
be paid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the person or persons, to whom any of the monies emitted by virtue of the said act of assembly have been lent, and who shall be desirous to pay off the same, shall and may apply to the trustees herein before appointed, or either of them, at any time during the month of February, which will be in the year of our Lord one thousand seven hundred and seventy eight, and upon the first Monday and five following days in the months of April, June, August, October, December and February in every year during the continuance of the act before recited, to which this is a supplement; and the trustees aforesaid respectively are hereby required to attend at such place as they shall appoint, and of which they shall give public notice, in order to receive the said monies, and shall give receipts and discharges, agreeable to the tenor and directions of the said recited act of assembly.

Trustees  
may sue, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the trustees, in and by this act appointed, shall have power and authority to prosecute, and proceed for default of payment against all and every the persons to whom the said monies, or any part thereof, have been lent, in like manner and to the same effect as in and by the said before recited act is enjoined and directed to the trustees in and by the said act appointed; and all other the powers and authorities which to the former trustees, or any of them, in and by the said recited act of assembly was committed or entrusted.

SECT. 5. *And whereas,* the scarcity of money, for the remedy

remedy whereof the said before recited act of assembly was made, has now in a great measure ceased: *Be it therefore enacted by the authority aforesaid,* That the said trustees shall hold and keep safely all the monies by them received, without lending or otherwise disposing of the same, or any part thereof, until the future order of this or any future general assembly of this state shall be made therein.

1777.

The first Year  
of the Com-  
monwealth.Trustees to  
keep the  
money;

their salary.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said trustees herein appointed shall receive as a compensation for their services and duties herein enjoined, the sum of five hundred pounds for one year, to be computed from the day of enacting this law.

SECT. 7. *And be it further enacted by the authority aforesaid,* That in case of the death, refusal, or removal of either or any or all of the said trustees, it shall and may be lawful for the general assembly for the time being by their resolve to be entered on their minutes to nominate and appoint others in their stead and room.

SECT. 8. *And be it further enacted by the authority aforesaid,* That every thing in the said before recited act contained, which is not consistent with this present act, from henceforth shall be and hereby is repealed and made void.

JAMES M'LENE, SPEAKER.

*Enacted into a law at Lancaster, on Tuesday, the 23d  
day of December, A. D. 1777.*

JOHN MORRIS, junior, clerk of the general assembly.

## C H A P T E R XXXVII.

*A supplement to several acts of general assembly, directing the mode of appointing and fining the several officers herein mentioned,*

Passed December 26th, 1777. Recorded in Law Book Vol. I. Page 152, &c.  
Expired.

## C H A P T E R XXXVIII.

*An ACT for making more equal the burden of the public defence; and for filling the quota of troops to be raised in this state.*

SECTION I. WHEREAS it is just and reasonable Preamble,  
that the burden of the public de-  
fence should be as equal as possible upon every inhabitant  
of

1777.

*The first year  
of the Commonwealth.**Estate of persons not militia men to be doubly taxed.**Mode of levying, &c.  
the said tax.*

of this state: *And whereas* there are numbers of persons who, by reason of age, and other incapacities, do not yield personal service under the militia law; and whereas all such persons ought of right to pay an equivalent for defence of their property: Therefore,

**SECT. 2.** *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same,* That there shall be assessed, levied and collected annually upon all the estates, real and personal, of every person not subject to nor performing military duty by the militia law of this state (except as hereafter excepted) an additional sum equal to what such person shall be charged in the state tax, in the manner herein after directed.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That the board of commissioners and assessors for the city of Philadelphia, and each county in this state respectively, are hereby empowered, required and enjoined, to demand yearly and every year from the lieutenant of the city and each county in the state respectively, a copy, certified under his hand and seal, of the names and surnames of all the persons enrolled in the militia within the city and each county respectively, marking on the said list such as have been excused by him, which certified copies the said lieutenants are required to furnish, within ten days after demand, under the penalty of fifty pounds, and the said commissioners and assessors, when possessed of the aforesaid lists or copies, are required to annex the additional tax aforesaid to the names of each of the persons found in the returns of borough, township, ward or district assessors, and not enrolled in the militia rolls, either in a separate column in the state tax duplicate or a duplicate for that particular purpose; which duplicate the commissioners are required to deliver to the several collectors for the state tax, with a warrant annexed, empowering them to levy and collect (an opportunity of an appeal being first allowed) the said additional tax, and requiring them to pay the same into the hands of the county treasurer for the state taxes at the time appointed for the payment of the state taxes, and the said commissioners, assessors and collectors are to be paid at the same rates and in the same manner as they are paid for their other services, subject to the same fines and forfeitures respectively for neglect of duty, as they are by law subject to for neglects in the state taxes; and the said additional taxes shall be paid over by the respective county treasurers to the state treasurer

treasurer at the same time the state taxes are by law directed to be paid.

SECT. 4. *Provided nevertheless, and it is further enacted by the authority aforesaid,* That delegates in congress, members of the supreme executive council, members of assembly, justices of the supreme court, masters and faculty of colleges, ministers of the gospel and clergy of every denomination, parents having a son or sons unmarried living in their families subject to or performing militia duties, or that may have had such son or sons killed or captivated in the defence of this state, or any of the united states, widows whose husbands have been or shall be killed or captivated in the service of this state or any of the united states, minors who may have had their fathers killed or captivated in the service of this or any of these united states, masters or mistresses having an apprentice or apprentices subject to or performing militia duties, are declared not to be within the intention or meaning of this act.

1777.  
The first Year  
of the Common-  
wealth.

Exceptions.

SECT. 5. *And be it further enacted by the authority aforesaid,* That those of the good inhabitants of this state who are above the age of fifty three years; and have served any tour of duty in the militia, either in person or by substitute, or have paid for such substitute; shall be excused from the payment of the said additional tax for one year for each of the said tours.

Those who  
have served  
in the mili-  
tia to be ex-  
cused.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any two of the persons made subject by this act to pay the aforesaid additional tax, shall or may have procured one able bodied recruit to enlist into any one of the continental regiments belonging to the quota of this state for three years or during the war, they shall be discharged and released from the said additional tax during the term of the said enlistment.

Procuring a  
recruit shall  
exempt.

JAMES M'LENE, SPEAKER.

*Enacted into a law at Lancaster, the 26th of December, A. D. 1777.*

JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER XXXIX.

*An ACT to regulate the wages of the representatives of the freemen in assembly.*

Passed December 27th, 1777. Recorded in Law Book Vol. I. Page 154, &c.

Repealed.

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1778.

The second Year  
of the Commonwealth.

## CHAPTER XL.

*An ACT to continue in force an act of general assembly of the commonwealth of Pennsylvania, intituled, "An Act to impower the supreme executive council of this commonwealth, to provide for the security thereof in special cases, where no provision is already made by law."*

Pasled January 2d, 1778. Recorded in Law Book Vol. I. Page 155, &c.  
Expired.

## CHAPTER XLI.

*An ACT for establishing a new seal for the supreme court and for altering the place of holding the said court, and the courts of oyer and terminer and general goal delivery, in the counties of Chester and Bucks, for a limited time.*

Preamble.

**S**ECION 1. **W**HEREAS since the late glorious revolution, it is become expedient and proper to have a new seal for the supreme court and the courts of oyer and terminer and general goal delivery of this state; *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same,* That a new seal shall be procured and made under the direction of the prothonotary or clerk of the said supreme court, having the arms of the state engraven thereon, with such other devices as the justices of the said court shall direct, with an inscription round the edge and near the extremity thereof in these words, to wit, *Seal of Supreme Court of Pennsylvania*, and with the figures 1776 underneath the arms; and that the same from and after the receipt thereof by the prothonotary of said court, shall be the seal of the said courts, and used as such upon all occasions whatsoever, the expence of which seal shall be paid for by a draught of the prothonotary upon the treasurer of this state, who is hereby directed to pay the same out of the public monies in his hands: And the seal of any of the justices of the said courts is hereby established as the seal of the said courts until such new seal shall be made and received by the said prothonotary.

**S**ECT. 2. *And whereas it may be unsafe to hold the supreme court at the city of Philadelphia, on the tenth day of April next, or to hold courts of oyer and terminer and general goal delivery in the borough of Chester and town of Newtown, for the respective counties of Chester and Bucks for some time, on account of the situation of the British*

British army; Be it therefore enacted by the authority aforesaid, That the justices of the same courts may, and they are hereby authorised and impowered to hold the supreme court at such time and places as they shall think most suitable and convenient, of which they shall cause public notice to be given by the prothonotary, at least twenty days before holding the said court, and also to hold courts of oyer and terminer and general goal delivery for the counties of Chester or Bucks, at such place or places within the said counties respectively as they shall agree upon and direct in their precepts, to be issued to the sheriffs of the said several counties, for summoning jurors and other persons for holding such courts, and the said sheriffs are hereby directed to notify the same in their several proclamations accordingly throughout their respective counties.

SECT. 3. Provided always, and be it enacted by the authority aforesaid, That after the British army shall be subdued, driven out of, or shall evacuate this state, the supreme court, and the courts of oyer and terminer and general goal delivery, for the counties of Chester and Bucks, shall be holden at the places heretofore used and fixed by law.

Limitation.

JAMES M'LEN E, SPEAKER.

Enacted into a law at Lancaster, the 2d day of  
January, A. D. 1778.  
JOHN MORRIS, junior, clerk of the general assembly. }

## CHAPTER XLII.

An ACT to prevent the imprisonment of soldiers for small debts; and also to prevent the enlistment of soldiers within the bounds of the commonwealth of Pennsylvania, by any officers of the other states, until the quota of this state be completed.

SECTION I. WHEREAS it would be highly injurious to the common cause of this and the other united states of America, in our present necessary defence, to permit the imprisonment of soldiers for small debts: Therefore,

SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That no soldier duly enlisted in the service of this or any other of the united states of America, shall be arrested or imprisoned by virtue of any writ or other process for debt or any breach of civil contract, issuing out of any court of law, or other legal jurisdiction within this

Preamble.

No soldier,  
to be arrest-  
ed, unless  
affidavit of  
debt above  
fifty dollars.

com-

1778.  
The second Year  
of the Common-  
wealth.  
Justices  
may hold  
courts  
where they  
shall ap-  
point.

1778.

*The second Year  
of the Common-  
wealth.*

commonwealth, unless there be indorsed on the said writ, or other process, an affidavit, on oath or affirmation, that the defendant therein named, is justly indebted to the plaintiff therein mentioned, in a sum of money exceeding fifty dollars; and in case it shall happen that any soldier, so bona fide enlisted, and in actual service, shall be so arrested, the justices of the supreme court of this commonwealth, and the justices of the peace of the several counties thereof, and each and every of them, is hereby enjoined, impowered and required, upon application of the said soldier or his officer or officers, to discharge the said soldier from the said arrest or imprisonment: And all sheriffs and other officers are hereby enjoined and required, that they do not arrest any persons whom they may or shall know to be regularly enlisted soldiers, unless such affidavit be endorsed on the said process, under the penalty of twenty pounds, to be recovered by the said soldier or the commanding officer of the company to which he belongs, by action of debt, in any court of record within this state.

SECT. 3. *And whereas a great number of able bodied soldiers have entered into regiments belonging to other states, which has very much delayed the quota of troops assigned this state by congress for the continental army being completed:*

SECT. 4. *Therefore, Be it enacted by the authority aforesaid,* That no recruiting officer, or other person not belonging to some one of the regiments of this state, shall, upon any pretence whatsoever, enlist any person within this state, until the quota of troops for the continental army are completed, unless the said officer has the particular instructions of congress, or his excellency the commander in chief for that purpose, upon the penalty of fifty pounds: And every justice of the peace before whom complaint shall be made, shall issue his warrant to apprehend such offender or offenders, and upon sufficient proof thereof being made, shall deliver or cause to be delivered the soldier so enlisted to an officer belonging to one of the regiments of this state, or to such other person as may be hereafter appointed by the executive council to recruit for this state, and shall commit the officer so offending to the common goal of the county, there to remain until he pays the aforesaid fine, which fine the justice is required to pay into the hands of the treasurer for the state taxes.

JAMES M'LENE, SPEAKER.

*Enacted into a law at Lancaster, the 2d day of*  
*January, 1778.*

JOHN MORRIS, junior, clerk of the general assembly.

CHAP-

CHAPTER XLIII.

*An ACT for suspending the powers of the trustees of the college and academy of Philadelphia for a limited time.*

Passed January 2d, 1778. Recorded in Law Book Vol. I. Page 156, &c.  
Expired.

1778.  
The Second Year  
of the Commonwealth.

CHAPTER XLIV.

*An ACT to prevent forestalling and regrating, and to encourage fair dealing.*

Passed January 2d, 1778. Recorded in Law Book Vol. I. Page 157, &c.  
Repealed March 22d, 1780.

CHAPTER XLV.

*An ACT for the regulation of waggons, carriages and pack horses for the public service.*

Passed January 2d, 1778. Recorded in Law Book Vol. I. Page 158, &c.  
Expired.

CHAPTER XLVI.

*A farther supplement to the act, intitled, "An ACT to regulate the militia of the commonwealth of Pennsylvania."*

Passed December 30th, 1777. Recorded in Law Book Vol. I. Page 160, &c.  
Repealed.

CHAPTER XLVII.

*An ACT for the better supply of the armies of the united states of America.*

Passed January 2d, 1778. Recorded in Law Book Vol. I. Page 165, &c.  
Repealed.

CHAPTER XLVIII.

*A supplement to the act, intitled, "An ACT for the better supply of the armies of the united states."*

Passed February 27th, 1778. Recorded in Law Book Vol. I. Page 170, &c.  
Repealed.

1778.

The second Year  
of the Commonwealth.

## CHAPTER XLIX.

*An ACT for the attainer of divers traitors, if they render not themselves by a certain day, and for vesting their estates in this commonwealth; and for more effectually discovering the same, and for ascertaining and satisfying the lawful debts and claims thereupon.*

Preamble.

SECTION 1. WHEREAS Joseph Galloway and Andrew Allen, esquires, late members of the congress of the thirteen united colonies, now states, of America, for Pennsylvania; John Allen, esquire, late member of the committee of inspection and observation for the city and liberties of Philadelphia; William Allen, the younger, esquire, some time a captain, and afterwards a lieutenant colonel of a regiment or battalion of foot, in the service of the said united colonies, now states, of America; James Rankin, late of the county of York, yeoman; Jacob Duché, the younger, late chaplain to the congress; Gilbert Hicks, late of Bucks county, yeoman; Samuel Shoemaker, late alderman of the city of Philadelphia; John Potts, late of Philadelphia county, yeoman; Nathaniel Vernon, late sheriff of Chester county; Christian Fouts, late lieutenant colonel of militia of the county of Lancaster; Reynold Keen, late of the county of Berks, yeoman; and John Biddle, late of the same county, yeoman, late collector of excise for the said county, and late a deputy quartermaster in the army of the united states, being all subjects and inhabitants of the state of Pennsylvania, have most traitorously and wickedly, and contrary to the allegiance they owe to the said state, joined and adhered to, and still do adhere to, and knowingly and willingly aid and assist the army of the king of Great Britain, now enemies at open war against this state and the united states of America, and yet remain with the said enemies in the city and county of Philadelphia, where they daily commit divers treasonable acts without any sense of honour, virtue, liberty, or fidelity to this state:

Persons  
herein  
named not  
furrender-  
ing them-  
selves be-  
fore the  
20th of  
April,

SECT. 2. Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That if the said Joseph Galloway, John Allen, Andrew Allen, William Allen, the younger, James Rankin, Jacob Duché, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen, and John Biddle, shall not render themselves respectively to some or one of the justices of the supreme court, or of the justices of the peace of one of the counties within this

this state, on or before the twentieth day of April next ensuing, and also abide their legal trial for such their treasons, then every one of them the said Joseph Galloway, John Allen, Andrew Allen, William Allen, James Rankin, Jacob Duché, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen, and John Biddle, not rendering himself as aforesaid, or not abiding the trial aforesaid, shall, from and after the said twentieth day of April next, stand and be adjudged, and by the authority of this present act be convicted and attainted of high treason, to all intents and purposes whatsoever, and shall suffer and forfeit as a person attainted of high treason by law ought to suffer and forfeit.

1778.

*The second Year  
of the Commonwealth.*

shall be attainted of high treason.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all and every person and persons, being subjects or inhabitants of this state, or those who have real estates in this commonwealth, who now do adhere to, and knowingly and willingly aid and assist the enemies of this state, or of the united states of America, by having joined their armies within this state, or elsewhere, or who hereafter shall do the same, and whom the supreme executive council of this state, by their proclamations to be issued under the state seal, during the continuance of this war with the king of Great Britain, shall name and require to render themselves, by a certain day therein to be mentioned, to some or one of the justices of the supreme court, or of the justices of the peace of one of the counties within this state, and also abide their legal trial for such their treasons, and shall not render themselves accordingly and abide their legal trial aforesaid, shall, from and after the day to them to be prefixed by such proclamation, stand and be attainted of high treason to all intents and purposes, and shall suffer such pains and penalties, and undergo all such forfeitures as persons attainted of high treason ought to do. *Provided,* That the time to be prefixed by such proclamation, for the persons therein to be named to render themselves, be not less than the time and term of forty days from and after the date of such proclamation.

All other persons aiding the enemy not surrendering themselves on the day fixed by proclamation,

shall be attainted of high treason.

SECT. 4. *And be it further declared and enacted by the authority aforesaid,* That all and every the inhabitants or subjects of this state, who from and after the publication of this act, shall, at any time during the continuance of the said war, willingly and voluntarily serve the king of Great Britain, either by land or sea as a civil or military officer, soldier or seaman, shall be, and are hereby attainted of high treason, and shall suffer and forfeit to all intents and purposes as persons attainted of high treason ought to do.

All subjects of this state serving the enemy as civil or military officers, guilty of high treason.

SECT.

1773.

*The second Year  
of the Common  
wealth.**Estates real  
and person-  
al of the  
persons  
herein named  
forfeited,**unless they  
surrender  
themselves;**and of all  
other per-  
sons hold-  
ing to their  
use.*

**SECT. 5.** *And whereas it is highly reasonable that the estates, real and personal, of the subjects or inhabitants of this state, who have engaged in the present most unnatural, unjust, barbarous and execrable war, and who shall be duly attainted as guilty of treason, should be discovered and applied to the use of the state, and that provision be made for the satisfaction of all just and lawful claims which any of the dutiful and faithful subjects of this state, or of any of the united states of America, or of any foreign state not at war with the said united states, may have to the estates of such rebels and traitors, or against them for any debt or demand whatsoever : It is therefore enacted by the authority aforesaid, That all and every the lands, tenements, hereditaments, debts or sums of money, or goods or chattels whatsoever, and generally the estates, real and personal, of what nature or kind soever they be, within this state, whereof the aforesaid Joseph Galloway, John Allen, Andrew Allen, William Allen, the younger, James Rankin, Jacob Duché, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen, and John Biddle, or any of them, shall have been possessed of, interested in, or intitled unto, on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy six, or at any time afterwards, in their own right, or to their use, or which any other person or persons shall have been possessed of, interested in, or intitled unto, to the use of, or in trust for them, or any of them, shall, according to the respective estates and interests which the persons aforesaid, or any in trust for them, or any of them, shall have had therein, stand and be forfeited to this state, from and after the twentieth day of April next ensuing, unless they shall respectively render themselves on or before the same day, and abide their legal trial as herein before is directed ; and that all and every the lands, tenements, hereditaments, debts, or sums of money, and goods and chattels whatsoever, and generally the estates, real and personal, of what nature or kind soever they be, within this state, which any other person or persons who shall be attainted of high treason, by virtue, or in consequence of this act, shall have been possessed of, interested in, or intitled unto, on the aforesaid fourth day of July, in the year of our Lord one thousand seven hundred and seventy six, or at any time afterwards, in their own right, or to their use, or whereof any other person or persons shall have been possessed of, interested in, or intitled unto, to the use of, or in trust for them, or any of them, shall, according to the respective estates, and interests, which the persons to be*

be attainted as aforesaid, or any in trust for them, shall have had therein, or might forfeit by such attainder, stand and be forfeited to this state, without any office or inquisition thereof hereafter to be taken or found.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president or vice president, and supreme executive council of this state, shall enquire into all such estates, both real and personal, as shall be hereby vested, or are intended to be vested in this state; and cause all the rents, issues and profits of the said real estates, until sale thereof, to be levied and paid to the state treasurer for the time being, who is to account for the same as for other public monies, and seize, or cause to be seized and sold, all such goods and chattels, and collect and receive, or cause to be collected, all such debts and sums of money as shall be hereby vested in the state; and sell, and under the hand of the president or vice president, and the state seal, convey the said real estates, after the claims relating to them respectively shall be determined, or otherwise dispose of the same in the manner herein after provided; and out of the produce of the said estates, real or personal, shall cause payment to be made of such money as shall be due to any claimants upon the same as aforesaid. And the said president or vice president, and supreme executive council, shall from time to time, as occasion shall require, appoint agents or factors, surveyors, messengers, or other necessary officers or persons, for the execution of this act, who are to execute their trust without taking any thing for their service (other than such fees, salaries and rewards, as the said president or vice president and council, shall direct and allow in that behalf) and every such person or officer, before he enters on the execution of his employment, shall take the oath or affirmation of allegiance and fidelity, unless he hath already done so, prescribed by an act of general assembly enacted the thirteenth day of June last, and also an oath for his faithful demeanour in all things relating to the trust reposed in him, and that he will not, directly or indirectly, take any fee or reward, or accept the promise of any, for any thing to be done by him in the execution of said trust (except what shall be allowed as aforesaid) and that he will not, directly or indirectly, have any part or interest in, or make any benefit by discovery of any forfeited or forfeitable estate or interest, intended to be applied to the use of the state, or conceal, or cause, or willingly permit, to be concealed, the same or any part thereof.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president or vice president and council,

1778.  
*The second Year  
of the Common-  
wealth.*

President,  
&c. to en-  
quire into  
forfeited  
estates;

and shall  
sell and  
convey  
them under  
the state  
seal;

and appoint  
agents, &c.

who shall  
take the  
oaths or af-  
firmations.

1778.  
*The second Year  
of the Common-  
wealth.*

Registers to  
be made of  
the names  
of the per-  
sons and of  
the estates  
forfeited.

Encourage-  
ment for  
discoveries

may send, upon oath or affirmation of suspicion being made, their precepts for such persons, books, papers, writings and records, as they shall think necessary for their information in any matters subject to their enquiry by virtue of this act, without any fee to be paid for the same, and may detain such books or writings, so long as they shall have occasion, and then return them to the persons to whom they belong; and may administer oaths or affirmations, for the discovery of the truth of the enquiries, to the parties concerned, or to any other persons whatsoever; and that all sheriffs, constables, and other officers and ministers, shall execute such precepts and orders as shall be sent to them by the said president or vice president and council, as they will answer the contrary at their perils; and the said president or vice president and council, may and shall proceed in their enquiries in a summary way, upon the testimony of witnesses and examination of persons interested, upon their oaths or affirmations, inspection and examination of deeds, writings and records, or by all or any the said ways, or otherwise according to their discretions, as soon as conveniently may be; and shall make a register of the names of all such persons attainted, or to be attainted of high treason by virtue of this act, and of all real and personal estates and interests by this act or otherwise vested in this state by reason of such attainder; and by whom such estates were respectively forfeited, and what interest every such person as aforesaid had in any of the premises, on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy six, or at any time afterwards, and by what tenures the same were respectively holden, and of all incumbrances to which the said estates were subject before and upon the same day; and if any person summoned to appear before the said president or vice president and council, for discovery of the premises, shall neglect to appear or be examined as aforesaid, the said president or vice president and council shall commit such person to the common goal of the county, there to remain without bail or mainprise until he shall submit to be examined; and if any officer shall neglect to give obedience to such precepts or orders, the said president or vice president and council may and shall impose any fine on him, not exceeding one hundred pounds for any one offence, and shall commit him till the fine shall be paid unto the state treasurer for the use of the state.

SECT. 8. *And be it further enacted by the authority aforesaid, That every person, who shall make a full dis-*

*cove*  
any

1778.

*The second Year  
of the Common-  
wealth.**of traitors  
debts and  
effects.*

any concealed debt, or sum of money, payable unto any person or persons so attainted, or to be attainted as aforesaid, (not being a debt by judgment, mortgage, recognizance, or any registered bond or contract) and shall pay three fourths thereof before the expiration of three months after such attainders respectively unto the state treasurer for the use of the state, shall be discharged of the entire debt or sum of money aforesaid; but every person indebted as aforesaid, who shall neglect to make such discovery within the time aforesaid, shall forfeit double the value of such debt or sum of money, to be recovered by action, bill, suit or information, for the use of the state; and all persons who shall be possessed of any personal goods or chattels belonging to any such persons attainted, or to be attainted as aforesaid, when the same shall be forfeited, or at any time afterwards, are hereby strictly charged to discover the same to the said president or vice president and council, within three months after the said attainer, who shall thereupon allow to every such person such proportion as they shall think reasonable for such discovery, not exceeding one full fourth part of the said goods and chattels, or the proceeds thereof; but every person having such goods and chattels in his custody or power, and neglecting to discover the same within the term aforesaid, shall forfeit double the value thereof, to be recovered for the use of the state as aforesaid; and the said president or vice president and council are empowered to make such compositions or agreements, touching any such debts, or personal goods and chattels, so to be discovered, as they shall think fit and reasonable; and the same shall be valid in law, so as the composition money be paid to the said state treasurer for the use of the state within the times limited by them; and where any of the said debts are secured by bonds or obligations with penalties, or are due upon accounts not adjusted, the said president or vice president and council are authorised to state and determine the same; and every person, not being so indebted, or possessed of such personal goods and chattels, who shall at any time after one month and before the expiration of four months after such attainders respectively, discover any such debts or personal goods and chattels, concealed until the time of such discovery, shall be entitled to so much as the said president or vice president and council shall judge sufficient, not exceeding one fourth of such debts, or of such personal goods and chattels, or of the value thereof after recovery of the same, to be paid over to him by warrant of the said president or vice president and council from time to time on the treasurer;

*President,  
&c. im-  
po-  
wered to  
make com-  
positions.*

## H I S E X C E L L E N C Y

1778.

The second Year  
of the Common-  
wealth.Encourage-  
ment for  
discovery of  
real estates.Proviso.President,  
&c. to se-  
cure and  
sell the  
goods of the  
persons  
herein nam-  
ed, and of  
others at-  
tainted in  
pursuance  
of procla-  
mations.

surer; and every person who shall, from and after the expiration of one month and before the expiration of six months after such attainers respectively, discover any lands, tenements, rents hereditaments and chattels real, forfeited as aforesaid and concealed until the time of such discovery, shall be entitled to such proportion of said lands, tenements, rents hereditaments, and of chattels real, as the said president or vice president and council shall judge to be reasonable, not exceeding one fourth part thereof, or of the value after recovery; and the president or vice president and council shall deliver certificates under their hands and seals to every person who shall make such discoveries, specifying the lands, tenements, hereditaments, chattels or real estates, by him so discovered, and the proportion thereof, or of the value, he ought to have in respect thereof; and shall cause to be paid, delivered or conveyed by the president or vice president under the state seal, such parts and proportions to the said discoverers, their heirs, executors, administrators and assigns respectively; and that as soon as conveniently may be after the time shall be elapsed for entering claims in manner herein after mentioned on the estates real or personal so discovered, as for such estates real or personal, upon which no claim shall be entered; and as soon as conveniently may be after such claims as shall be entered, relating to such estates real or personal respectively, shall be determined. *Provided always,* That the shares of the estates, real or personal, that shall be allowed to the discoverers, do suffer a deduction proportionable to the claims respectively which shall be made and affirmed thereout.

**S E C T. 9.** *And be it further enacted by the authority aforesaid,* That the president or vice president and council shall, as soon as conveniently may be, secure all the goods and personal chattels of the said Joseph Galloway, John Allen, Andrew Allen, William Allen, the younger, James Rankin, Jacob Duché, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen, and John Biddle, and also all goods and personal chattels of the person or persons to be named in any proclamation, to be issued as herein before directed, as soon as conveniently may be after the date of such proclamation, in such places, and in the custody of such persons, as shall be thought most proper for preventing the perishing, or any loss or embezzlement thereof, and shall make inventories thereof, containing a particular account of all such goods and chattels, to whom they belonged, and when and by whom they were delivered to the said president or vice

vice president and council, or persons by them appointed to receive them; and they shall also, as soon as conveniently may be, from and after the day fixed by this act, or to be prefixed by the proclamations aforesaid for the said rebels and traitors to render themselves, and abide their legal trial, if they do not render themselves accordingly, cause appraisement thereof to be made upon the oaths or affirmations of any two persons, to be appointed by them for that purpose, and shall sell, or cause to be sold, all such goods and chattels so inventoried and appraised, and for that purpose shall cause public notice to be given, ten days at least, of the times and places of sale and of the several particulars to be sold; and the same shall be sold by auction to the best bidder; and they shall cause an entry to be made of the goods and chattels so sold, the buyers names and places of abode, and the prices. And the said president or vice president and council shall give a certificate under their hands and seals unto the buyers, expressing the particulars, prices, and time of sale, and shall forthwith order the particulars bought and paid for to be delivered to the buyers or their assigns.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the president or vice president and council may and they are hereby empowered to lett, or, by factors or agents by them to be appointed as aforesaid, cause to be lett, the said forfeited real estates, for any time not exceeding two years, and shall receive the rents, grant acquittances thereof, pay the land taxes thereout, and do all things necessary for managing the said estates, until the same shall be sold in manner herein after directed.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said president or vice president and council shall cause a register of the names of all persons so attainted of high treason, and of all real and personal estates and interests by this act vested in the state, or an authentic duplicate thereof to be kept by the secretary, and the same shall be open to the inspection of all persons, *gratis*, who shall demand the same, betwixt the hours of ten and twelve in the forenoon, on any lawful day; and in the said register shall be expressed the dates when the entries of the said estates real or personal were made; and the said secretary shall from time to time transmit an authentic copy of the said register to the justices of the supreme court, or one of them, as soon as conveniently may be, and also, within one month after the date of such entry, transmit another authentic copy thereof to the sheriff of the county, within the limits of which any forfeited real estate

1778.  
The second Year  
of the Commonwealth.

And to let,  
&c. the real  
estates.

A register  
of the  
names and  
estates of  
persons at-  
tainted, to  
be kept by  
the secre-  
tary,

1773.

The second Year  
of the Common-  
wealth.and the  
sheriff.President,  
&c. after  
twelve  
months  
shall sell  
the said  
estates;make a  
deed under  
the state  
seal, and  
thebuyers shall  
hold free of  
all incum-  
brances.

is situated; and every such sheriff shall insert the same in a book to be kept for that purpose, which shall be open to any person, *gratis*, demanding inspection, upon any lawful day between the hours of ten and twelve in the forenoon; and all the estates and interests entered in the said register by the secretary, upon which no claim shall be entered within the time and in the manner herein after prescribed, shall be deemed to be vested in this state, by virtue of this act; and such of the said estates and interests, upon which claims shall be entered, shall in like manner be deemed to be vested in this state, subject only to such burden, diminution, and eviction, as shall arise from the determination of the said claims.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said president or vice president and council, may and shall within twelve months after the debts and claims upon the said estate shall be respectively adjudged, or in case there shall be no claim, sell or cause the said estates to be sold by auction to the best and highest bidder, having previously caused public notice to be given, by advertisements in some newspaper within this state, and also in the county where the lands lie, thirty days at least, of the times and places of sale, and of the estates and interests to be sold; and after the said sale and the payment of the purchase money, the said president or vice president in council shall under his hand and the state seal give a deed or conveyance thereof unto the buyers, describing the lands and interests sold, and expressing the prices and time of sale, and shall also cause the possession thereof to be delivered to the said buyers, or their assigns; and if any purchaser shall make default in payment of the consideration money, at the time fixed for the payment thereof, he shall forfeit one fourth part of the same, to be recovered in the name of the state, to the use of the state, and a new sale of all such estates may and shall be made in manner aforesaid to any other person. All which monies so to be received shall be paid to the treasurer for the use of the state, and by him be accounted for as other public monies; subject nevertheless to the drafts of the president or vice president and council, for payment of debts and claims affecting the same, and for salaries of inferior officers and incident charges.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the buyer or buyers of any lands, tenements, hereditaments, or chattels real, sold and conveyed by virtue of this act, shall be seized and possessed thereof free and clear from all incumbrances and claims whatsoever,

ever, of any person or persons whomsoever, the quit or chief rents only excepted, according to the contents of his, her, or their conveyance respectively.

SECT. 14. *And be it further enacted by the authority aforesaid,* That all bodies, politic and corporate, and persons whatsoever, (except all such forfeiting persons as aforesaid, and all persons having or claiming any thing in the premises to the use of or in trust for any such forfeiting persons, or their or any of their heirs, executors, or administrators) having any estate, right, title, interest, use, trust, possession, reversion, remainder, annuity, service, rent, debt, benefit, charge, or incumbrance whatsoever in law or equity upon any messuages, lands, tenements, rents, hereditaments, or any real or personal estate, or any other the premises herein or hereby vested or to be vested in this state, by any settlement, conveyance, judgment, recognizance, extent, or other debt, charge, or incumbrance, which was binding on the forfeiting persons, and might have affected their estates, before the times whereon the same shall be vested in this state, by virtue of this act; and also all bodies politic and corporate, and persons whatsoever, pretending right or title to any estate which shall be seized or taken by virtue of this act for the use of the state, and who shall pretend that none of the persons attainted, or to be attainted, in virtue of this act, of high treason; was possessed of, or entitled unto, such estate in his or their own right, or to his or their own use, or any other person in trust for them, on the said fourth day of July, one thousand seven hundred and seventy six, or at any time since, or that they have right or title to such estate, shall within three months from the date of the entry that shall be made in the register kept by the secretary, of any personal estate, and in case of real estates, within six months of the entry of the register to be kept by the sheriff of the county where such estate lies, of the estate or interest out of which such claims and demands ought to be made, enter their respective claims and demands before the justices of the supreme court, in such manner as is herein after mentioned, or in default thereof every such claim and demand shall be null and void to all intents and purposes whatsoever, and the estate charged therewith shall from thence be discharged from the same. And all such claims and demands of infants may be made by their fathers or guardians, or any other persons in their behalf; and all claims of feme covert by their husbands, or any other persons in their behalf; and all claims of madmen, idiots, or lunatics, by the persons under whose care

1778.

*The second Year  
of the Common-  
wealth.*

All persons  
and bodies  
politic  
claiming  
any inter-  
ests in the  
forfeited  
estates, shall

enter their  
claims be-  
fore the jus-  
tices of the  
supreme  
court, in  
writing;

1778.

The second Year  
of the Common-  
wealth.

who shall  
proceed in  
a summary  
way.

Attorney  
general to  
make de-  
fence.

Supreme  
court shall  
proceed  
summarily  
as to the  
claims.

care they shall be at the time of entering such claim; and all such claim shall be made and tendered to the justices of the said supreme court in term time, or to the chief justice in the vacation, written on parchment or paper, and signed by the parties making the same, or such other persons on their behalf as aforesaid, or signed by the attorneys or factors of the party; and such signing shall be testified by two or more credible witnesses who shall subscribe their names to attest the same; and every claimant shall therein particularly express what estate, right, title, interest, use, possession, reversion, remainder, annuity, service, rent, debt, benefit, charge, or incumbrance, he or she claims on any part of the premises, and under what grant, gift, settlement, conveyance, security, title, or incumbrance; and if such claimant hath or claims any estate, right, title, or interest, to any part of the premises, by virtue of any incumbrance or security, the dates and contents thereof, and the witnesses thereto; and if the same be recorded, when and where the same was entered, and whether such debt was and really is due, and remains wholly unpaid, and what part and how much thereof had been satisfied by money paid, perception of profits, or by any other ways and means whatsoever; and every such claim shall be transcribed by order of the said court, and entered in books to be provided and kept for that purpose; and the said supreme court shall proceed in a summary way, as well out of as in term time, to hear and determine all such claims; and every decree of said court in the premises shall be final and binding on all parties, in case thirty days, which is hereby allowed to them for reversing or amending such decrees, shall elapse without any proceedings being had or commenced by either party for that purpose.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the attorney general, or some council by him authorised, shall provide for making proper answers and defences, in behalf of the state, to all such claims as shall be offered as aforesaid, and for reversing, affirming, or amending the decrees that shall be passed upon such claims, as he shall see cause.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the justices of the supreme court shall, in a summary way, proceed, upon the testimony of witnesses and examination of persons claiming, or otherwise interested, upon their oaths or affirmations, inspection and examination of deeds, writings, and records, or by all or any of the said ways, or otherwise according to the circumstances

cumstances of the case, as soon as conveniently may be, to hear and determine all claims which shall be entered within the times aforesaid; and the claimants shall (if required by the said court, or by the attorney general) upon oath or affirmation answer to the truth of his, her or their claim, and to such proper interrogatories as the court, or council for the state, shall think fit for the clearing thereof; and upon oath or affirmation produce before the said court, all such deeds, writings and evidences, as are in his, her or their custody or power, any wise concerning the said claims, or the subject matter thereof.

**SECT. 17.** *And be it further enacted by the authority aforesaid,* That where the claim shall contain demands of any sum or sums of money any wise affecting any of the said forfeited estates, the said president or vice president and council shall issue out certificates to the claimants for the sums which shall be determined to be due to them severally by the decrees of the said supreme court, with legal interest; and the same shall be paid without any deduction or fee by the said treasurer out of such rents and profits as shall be paid into his hands from the respective estates upon which the said claims are allowed. And where the claim shall contain a demand of any lands, tenements, rents, services, rents charge, hereditaments, or other real estate whatsoever, or any interest therein, and shall be decreed as aforesaid, to be just and legal, in that case the supreme court shall order the sheriff of the respective counties, where the same shall lie, to cause possession to be delivered to such claimant, his or her heirs, executors, administrators, or successors, or to whom they or any of them shall appoint; and every such claimant, his or her heirs, executors, administrators or successors, shall enjoy the same, or such estate and interest therein respectively, as shall be adjudged and decreed as aforesaid.

**SECT. 18.** *And be it further enacted by the authority aforesaid,* That all conveyances and assurances of any lands, tenements, rents, hereditaments or real estate whatsoever, made at any time after the fourth day of July, in the year of our Lord one thousand seven hundred and seventy six, by any person who shall be attainted in virtue of this act, for the use of or in trust for himself, his wife, or any of his children (other than such as were made bona fide before and in consideration of marriage, or in performance of some agreement reduced into writing before or in consideration of marriage) and also all other assurances and conveyances made at any time since the fourth day of July, one thousand seven hundred and se-

1778.  
The second Year  
of the Common-  
wealth.

Claims of  
debts out  
of the for-  
feited es-  
tates, shall  
be paid by  
the treasurers.

Claimants  
of any real  
estate to be  
put in pos-  
session by  
sheriffs.

All convey-  
ances of  
traitors  
since the 4th  
July, 1776,  
to be void,

## HIS EXCELLENCE

1778.

*The second Year  
of the Common-  
wealth.**except  
made bona  
fide, and  
for valua-  
ble consi-  
deration.**Where  
their te-  
nants have  
paid rents  
bona fide,  
it shall be  
valid.**Supreme  
court may  
order main-  
tenance to  
traitor's  
wife or  
children.*

venty six, by any such person, are hereby declared to and shall forever hereafter be deemed to be fraudulent; and no claim shall hereafter be allowed for the same, excepting such assurances and conveyances as have been made since the time aforesaid, or shall be made in time coming, for just and valuable causes, the said causes being always otherwise manifested and proved than by the writings themselves.

**SECT. 19.** *And be it further enacted by the authority aforesaid,* That the tenants of the said attainted persons, who shall have paid their respective rents due to them after the fourth day of July, one thousand seven hundred and seventy six, and before the times of their respective attainders, without fraud or collusion, shall be discharged therefrom on due proof of such actual payments respectively made.

**SECT. 20.** *Provided always, and it is further enacted by the authority aforesaid,* That the said justices of the supreme court may and shall order and appropriate such parts of the said forfeited estates, for the support of such traitor's children, or wife and children, if any, as to them may appear sufficient, agreeable to an act of general assembly, passed the eleventh day of February last, intitled, "An Act declaring what shall be treason, and what other crimes and practices against the state shall be misprision of treason."

JOHN BAYARD, SPEAKER.

*Enacted into a law at Lancaster, on Friday, the 6th  
day of March, in the year of our Lord 1778.*

*JOHN MORRIS, junior, clerk of the general assembly.*

### C H A P T E R L.

*An ACT for making compensation to those whose servants  
and apprentices have been enlisted.*

Passed March 12th, 1778. Recorded in Law Book Vol. I. Page 179, &c.  
Obsolete.

### C H A P T E R LI.

*A supplement to the act, intitled, "An ACT to discourage  
desertion, and to punish all such persons as shall har-  
bour or conceal deserters."*

Preamble.

**SECTION I.** **W**HÈREAS by an act of general assembly of this commonwealth for the apprehending deserters from the armies of the united states

states of America, twenty shillings reward was granted, additional to the reward ordered by congress, to every person for each deserter which they should apprehend and secure within this state: Yet notwithstanding it may be necessary for the benefit of the united states, and for hastening the completion of the quota of troops for this state, to give still further encouragement: Therefore,

*SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That from and after the publication of this act, any person who shall apprehend any deserter from any of the regiments of the quota of this state, and carry him before some justice of the peace of the county, and upon proof being made of his being such a deserter, shall then deliver him safely to some secure goal in this state, or to some continental commissioned officer belonging to the quota of Pennsylvania; which said goaler or officer shall give to the person so apprehending, a receipt or certificate, specifying the same, which said receipt or certificate, besides intitling the said apprehender to the reward appointed by congress, shall also exempt him from two months actual service in the militia, or any fine in lieu thereof.

Person apprehending a deserter, shall be exempt from two months duty in militia.

1778.

*The second Year  
of the Common-  
wealth.*

**JOHN BAYARD, SPEAKER.**

*Enacted into a law at Lancaster, on Thursday, the  
12th day of March, in the year 1778.*

*JOHN MORRIS, junior, clerk of the general assembly.*

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## C H A P T E R LII.

*A supplement to the act, intitled, "An Act for the regulating of waggons, carriages and pack horses for the public service."*

Passed March 12th, 1778. Recorded in Law Book Vol. I. Page 180, &c.  
Expired.

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## C H A P T E R LIII.

*An ACT for the better securing and punishing persons guilty of the crimes and offences therein mentioned.*

Passed March 13th, 1778. Recorded in Law Book Vol. I. Page 181, &c.  
Repealed August 19th, 1778.

**C H A P-**

## HIS EXCELLENCE

## CHAPTER LIV.

1778.

*The second Year  
of the Commonwealth.  
wealth.*

Preamble.

*An ACT for the more speedy and effectual recovery of debts due to the united states of America.**Congress  
may sue in  
action of  
debt, &c.  
in any  
court of  
common  
pleas,**who shall  
appoint au-  
ditors to  
settle the  
accounts,  
&c.*

SECTION I. WHEREAS it is essential to the interest and liberties of the united states of America, that all and every the sum and sums of money due to them should be speedily and effectually recovered:

SECT. 2. Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That it shall and may be lawful for congress, or any person or persons by them authorised or empowered for that purpose, to commence, sue, and prosecute an action of debt, account render, or upon the case, in the name of *The United States of America*, (who are hereby created and made a body politic and corporate within this commonwealth, for that purpose) against any person or persons whomsoever, their heirs, executors or administrators, who are or shall be indebted for any money received by them in virtue of any warrant or order of congress, or of any person or persons appointed by or under them, in any court of common pleas of this state; which said court, upon the return of the process and appearance of the parties, may and shall appoint three or five auditors to the state and liquidate the accounts, and ascertain the balance due in such action; and the said auditors, or a majority of them, shall proceed in the premises, and make their report on oath or affirmation to the court next after their appointment, unless the said court, upon reasonable cause shewn by affidavit, shall think it just to allow farther time; and the said report being returned to and approved by the court, shall be recorded, and judgement given, and execution awarded thereupon, as is usual in other cases.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Lancaster, on Monday, the 23d  
day of March, in the year of our Lord 1778.*

*JOHN MORRIS, junior, clerk of the general assembly.*

## CHAPTER LV.

1778.

*A further supplement to the act, intitled, "An Act for amending the several acts for electing members of assembly."*

The second Year  
of the Commonwealth.

SECTION I. WHEREAS no provision has been made in the acts for electing mem-

bers of assembly, to require and enjoin the judges of the elections to give early notice to the members who shall be elected of their being so chosen, whereby the meeting of the general assembly has been, and hereafter may be delayed, to the great obstruction of public busines. And whereas it is necessary that the persons who shall be chosen members of the executive council be thereof notified: Therefore,

SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That the judges of the elections, who shall meet at their respective court house, or other places appointed by law, to compare the several lists and certificates, and to cast up the number of votes for each candidate, shall give notice of their being so chosen, to each member of assembly and executive council who shall be elected, and reside in their respective districts, within four days next after the said meeting of the said judges.

Judges of elections shall give notice to the assemblymen and counsellors chosen.

SECT. 3. And be it further enacted by the authority aforesaid, That if it shall so happen that the inhabitants of any district shall neglect to hold their election, or if any of the said judges of elections, who shall be appointed to meet at their several court houses, or other places appointed by law, to compare the several lists and certificates, and to cast up the number of votes for each candidate, as the act, to which this act is a supplement, directs, shall neglect to appear at the said meeting of the said judges, then, and in every such case, the judge of the nearest district to such district where such neglect shall happen, and who shall appear at the said meeting of the said judges, shall give notice as aforesaid to each of the persons who shall be chosen members of general assembly or executive council, and reside in those districts where any such neglects shall happen.

SECT. 4. And be it further enacted by the authority aforesaid, That each of the said judges of elections shall, for their services in performing the several duties herein enjoined them, receive six pence per mile travelling charges. Provided always, That the said judges shall lay F f their

The judges shall have six pence per mile, and shall lay their accounts

1778.

*The second Year  
of the Common-  
wealth.**before the  
commissi-  
oners.**Penalty on  
the judges  
neglecting.**The free-  
men of Ar-  
magh and  
Derry  
townships  
shall elect  
at the house**of Arthur  
Buchanan.*

their accounts before two of the commissioners of their respective counties, who shall draw orders, requiring their respective treasurers to pay such judges such sums as they shall think the said judges shall be justly entitled to receive by the directions of this act, for their performing the duties herein enjoined them.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any of the said judges shall neglect or refuse to do and perform the duties herein enjoined them, every such judge so neglecting, shall, for every such offence, forfeit and pay to the public treasury of this state, any sum not exceeding twenty pounds, for the use of the commonwealth, to be recovered by the commissioners of the county where such offence shall happen, by action of debt.

SECT. 6. *And whereas it hath been found very inconvenient to the freemen of the townships of Armagh and Derry, in the county of Cumberland, to attend the annual election of members of assembly and of the executive council, and other elective officers in the fourth district of the said county, as by the above recited act is directed:*

SECT. 7. *Be it enacted by the authority aforesaid,* That henceforth the said townships of Armagh and Derry shall be a fifth district of the said county of Cumberland, for the purpose of such annual election; and that the freemen of the said townships shall hereafter meet on the day by the constitution of this commonwealth appointed for such election, at the house of Arthur Buchanan, in the said township of Derry, and there and then elect members of general assembly and other elective officers for the said county, according to the said constitution, and to the laws in such case made and provided, and make return of such election as the other districts of the said county are directed in the supplement herein above recited; any thing in the act, to which this act is a supplement, to the contrary in any wise notwithstanding.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Lancaster, on Monday, the 23d  
day of March, A. D. 1778.  
JOHN MORRIS, junior, clerk of the general assembly.*

## CHAPTER LVI.

1778.

*The second Year  
of the Commonwealth.*

An ACT for the calling in of the bills of credit, issued by the legislative authority of Pennsylvania, under the sanction and authority of the crown of Great Britain, and for other purposes therein mentioned.

## SECTION 1. WHEREAS sundry persons, preferring their private interest to the public weal, have hoarded up the paper bills of credit of this state, which have been emitted under the sanction and authority of the crown of Great Britain, from an expectation that they will be redeemed let the event of the present glorious struggle for the liberties of this country prove successful or the contrary, and have thereby made an injurious distinction between such bills and the paper bills of credit emitted by congress, naturally tending to depreciate the latter. For remedy whereof,

SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the publication of this act, the bills of credit issued in Pennsylvania, under the authority of the crown of Great Britain, on or before the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy five, shall cease to be legal tender in any payment whatsoever, except as is herein after directed; and that each and every of the acts of general assembly by which the same, or any part thereof, have been made current, shall be, and are hereby repealed, and declared to be null and void, saving and excepting such parts of the said acts as relate to the convicting and punishing of any person or persons counterfeiting or altering the said bills of credit, or uttering the same knowing them to be counterfeit or altered; and also such parts of the said acts as relate to the sinking the said bills of credit, by taxes, excise, or otherwise.

SECT. 3. And be it further enacted by the authority aforesaid, That all the said bills of credit issued before the said nineteenth day of April, in the year one thousand seven hundred and seventy five, shall either be paid into the hands of the state treasurer, who shall thereupon deliver to the payer an equal sum in paper bills of credit, emitted either by congress or this commonwealth, or to the several collectors of the taxes in payment of taxes; which collectors are hereby enjoined to exchange all said monies offered to them with any other bills, as far as money in their hands will enable them so to do, or into the general

Bills issued  
under the  
authority  
of Great  
Britain, be-  
fore April  
19th, 1775,

shall not be  
legal ten-  
der,

and the acts  
made void.  
Exception.

The said  
bills to be  
paid to the  
state trea-  
surer, who  
shall ex-  
change  
them.

1778.

The second Year  
of the Commonwealth.The said bills not paid in before the first of June next, shall be irredeemable.Proviso,  
if any shall be in posses-  
sion of per-  
sons in o-  
ther states,and of  
those who  
are in the  
allegiance  
of the  
states, and  
now within  
the enemy's  
lines.Monies re-  
ceived in  
the loan of-  
fice shall be  
re-exchanged.

neral loan office of this state, in payment of any mortgage monies there due, provided the said payments be made on or before the first day of June next.

SECT. 4. *And be it further enacted by the authority aforesaid,* That from and after the first day of June aforesaid, all bills of credit issued by any act of general assembly of Pennsylvania, struck under the sanction and authority of the crown of Great Britain, on or before the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy five, which shall not be brought in and exchanged as herein before directed, shall be, and are hereby declared to be from thenceforth irredeemable; any thing contained in the act, by which the same was made current, to the contrary hereof in any wise notwithstanding.

SECT. 5. *Provided nevertheless,* That if any of the said bills of credit shall be in the hands of any person or persons in any of the neighbouring states, and the person or persons possessed thereof shall produce the same to the treasurer of this state, on or before the first day of August next, together with a certificate under the hand and seal of one or more justice or justices of the peace of any county in such state, setting forth, that he or they had counted, sealed up, and endorsed the same, with his or their name or names, and the sum therein contained, on or before the fifteenth day of June next, then, and in that case, the said money shall be exchanged by the said treasurer, as is herein before directed.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all such bills of credit as shall appear, by good and sufficient evidence, on oath or affirmation, to have been, at the time of passing this act, or within twenty days thereafter, in the hands, and really and truly the property of any person who hath taken the oath or affirmation of allegiance to this state, or to any of the united states of America, and hath not since taken the oath of allegiance to the king of Great Britain, and shall at the time of passing this act be within the lines of the enemy, and which bills of credit shall be presented to the said treasurer, on or before the first day of September next, shall also be exchanged as before directed.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said state treasurer is hereby authorised to exchange all the monies aforesaid that may be received by the trustees of the loan office, in pursuance of this act, and to make report in writing under his hand of the said bills of credit by him received, and shall,

shall, together with a committee to be appointed from time to time by the general assembly, count, burn and destroy the said bills.

1778.

The second Year  
of the Common-  
wealth.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Lancaster, the 23d day of March, 1778.*

JOHN MORRIS, junior, clerk of the general assembly.

## C H A P T E R L V I I .

*An ACT to revive and put in force the act of general assembly of the province of Pennsylvania, intitled, "An Act for the relief of the poor, and for other purposes therein mentioned."*

SECTION I. WHEREAS the act of general assembly of the province of Pennsylvania, passed March the twenty ninth, one thousand seven hundred and seventy one, intitled, "An Act for the relief of the poor," has been found by experience, of great utility, and by the limitation thereof is now expired :

SECT. 2. Be it therefore enacted, and it is hereby enacted Poor act by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said act, intitled, "An Act for the relief of the poor," and every clause, article, matter and thing therein contained, except the clause limiting the continuance of the said act, shall be, and is hereby declared to be in full force; any thing in the said act to the contrary notwithstanding.

SECT. 3. And whereas the pay allowed to the supervisors of the public roads and highways in and by an act of general assembly of the province of Pennsylvania, intitled, "An Act for opening and better amending and keeping in repair the public roads and highways within this province," is found not sufficient: Therefore,

SECT. 4. Be it enacted by the authority aforesaid, That Wages of the supervisors of the public roads and highways within this state shall have and receive for their trouble in collecting the several sums to be raised by them respectively, by the direction of the said act, the sum of two shillings in every pound by them collected, and ten shillings per diem for each day they shall attend in overseeing, employing, and directing the workmen upon the public roads and highways,

1778.  
 The second Year  
 of the Commonwealth  
 of Pennsylvania.

highways within their township; any thing in the said act to the contrary notwithstanding.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Lancaster, the 24th day of March, 1778.*

JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER LVIII.

*A supplement to the act, intitled, "An Act for the regulating and establishing of fees."*

Passed March 26th, 1778. Recorded in Law Book Vol. I. Page 186, &c.  
 Repealed March 16th, 1779.

## CHAPTER LIX.

*An ACT for raising the sum of six hundred and twenty thousand dollars for the use of the united states of America.*

Preamble. SECTION I. WHEREAS by a resolve of congress, of the twenty second day of November last, it is recommended to the legislatures of the respective states to raise, for the service of the united states of America, in the course of the present year, the sum of five millions of dollars by taxes, to be levied in the proportion in the said resolves mentioned, whereby it appears that the quota or share requested to be raised by this state, is six hundred and twenty thousand dollars: To the end, therefore, that the said requisition may be complied with, and that the aforesaid sum of money may be speedily and effectually raised within this state,

Six hundred and twenty thousand dollars to be raised. SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That the said six hundred and twenty thousand dollars shall be assessed, levied and collected on all estates, real and personal, within the city and county of Philadelphia, and other the counties of this commonwealth respectively, and on all single freemen residing within the same, in the quotas or proportions following, to wit:

On the estates real and personal, within the city and county of Philadelphia, and on all single freemen therein, seventy

Quota of  
the city &  
co. of Phil.

seventy six thousand five hundred and fifty three pounds seven shillings and two pence.

On the estates real and personal, within the county of Bucks, and on all single freemen therein, fifteen thousand one hundred and forty one pounds ten shillings and six pence.

On the estates real and personal, within the county of Chester, and on all single freemen therein, twenty four thousand three hundred and five pounds sixteen shillings and six pence.

On the estates real and personal, within the county of Lancaster, and on all single freemen therein, thirty two thousand eight hundred and ninety five pounds six shillings and seven pence.

On the estates real and personal, within the county of York, and on all single freemen therein, eighteen thousand three hundred and twenty seven pounds one shilling and eight pence.

On the estates real and personal, within the county of Cumberland, and on all single freemen therein, seventeen thousand two hundred and twenty five pounds eighteen shillings and six pence.

On the estates real and personal, within the county of Berks, and on all single freemen therein, sixteen thousand five hundred and forty four pounds fourteen shillings and two pence.

On the estates real and personal, within the county of Northampton, and on all single freemen therein, nine thousand five hundred and twenty four pounds five shillings and four pence.

On the estates real and personal, within the county of Bedford, and on all single freemen therein, five thousand two hundred and twenty one pounds eight shillings and six pence.

On the estates real and personal, within the county of Northumberland, and on all single freemen therein, ten thousand four hundred and seventeen pounds seven shillings and three pence.

And on the estates real and personal, within the county of Westmoreland, and on all single freemen therein, six thousand four hundred and fifty pounds.

Which several sums of money, so to be levied, shall not be deemed or held as the exact proportions of the said city and county of Philadelphia, or of any of the other counties, but the same shall hereafter be correctly and finally adjusted and ascertained by the legislature of this commonwealth, and any errors that may be discovered in the same,

1778.

The second Year  
of the Common-  
wealth,  
Bucks.

The quotas  
to be here-  
after finally  
ascertained:

1778.

*The second Year  
of the Common-  
wealth.*

County commissioners and assessors to fix the quota of each township,

and shall appoint two freeholders, who with the township assessors shall assess the township.

Tax for a single man.

same, shall be rectified in the public grants to the use of the united states of America for the year ensuing, together with lawful interest from the deficient counties; and if any county shall pay a sum greater than the proportion which shall so appear to be right, then the same county shall have credit for such overplus with lawful interest in the taxes, to be levied in the next year, for the use of the united states.

*SECT. 3. And be it further enacted,* That the present commissioners of each county, together with the county assessors, or a majority of them, may and shall, and they are hereby authorised, impowered and required, to meet together, at some convenient place in their respective counties, on or before the fourth day of May next, or as soon after as may be, and then and there faithfully and impartially to ascertain and fix the quota or proportion of the sum of money charged upon such county, and of the allowance of the treasurer, commissioners and assessors, for their services by this act, which each township within the same ought to bear and pay: And the said commissioners and assessors shall, at the same time, nominate and appoint two respectable freeholders in every of the said townships, wards and districts, who, together with the assessor of such township, ward or district, or any two of them, shall be furnished by the commissioners with a true account of the quota of such township, ward or district, together with a copy of the return made by the assessor of such township, ward or district, and may and shall meet together at such time as they shall appoint within the said townships, ward or district, and assess justly and equally the sum of money to be raised and paid by such township, ward or district, together with the costs of levying and collecting the same, and every single freeman who, at the time of such assessment, shall have attained the age of twenty one years, and hath been out of his apprenticeship or servitude for the space of six months (except such person or persons as shall be actually engaged as an enlisted soldier or mariner in the service of the united states of America during the time of levying the same) shall pay the sum of three pounds, which sum so assessed, shall be levied by a collector, to be nominated and appointed by such assessor and freeholders, or some two of them, and by him be paid, on or before the first day of September next, to the county treasurer, retaining thereout the cost of assessing, levying and collecting the same, which may belong to the said commissioners, assessors, freeholders and collectors, to whom he shall pay their several shares.

SECT. 4.

**SECT. 4.** *And be it further enacted,* That if any of the present commissioners or assessors of the city and county of Philadelphia, or of any of the other counties within this state, shall refuse or neglect to do and perform all and singular the duties required of him by this act, he shall be fined by the other commissioners or commissioner and assessors of such county, in any sum not exceeding one hundred pounds for the use of the state; and they the said two other commissioners, or the said one commissioner and assessors, or a majority of them, may and shall, and they are hereby authorised, empowered and required to nominate and appoint an able and skillful freeholder, or two able and skillful freeholders, as the case may require, of the county where such refusal or neglect shall happen, as commissioner or commissioners for such county for the current year; and if any of the persons appointed collectors of the tax imposed by this act, shall, after notice of his appointment, refuse or neglect to do and perform all and singular the duties required of him by this act, then and in such case the commissioners and assessors, or a majority of them, of the county where such refusal or neglect shall happen, shall fine such delinquent collector in any sum not exceeding fifty pounds, for the use of the state, and appoint another collector to act in his stead.

1778.  
The Second Year  
of the Common-  
wealth.

Fine upon  
the commis-  
sioners,

and collect-  
ors.

**SECT. 5.** *And be it further enacted,* That the county treasurers respectively shall be allowed for their trouble in receiving and paying all such monies as shall come into their hands respectively by virtue of this act, the sum of seven shillings and six pence for every hundred pounds; and the treasurer of the state shall be allowed for his trouble in receiving and paying all such monies as shall come into his hands by virtue of this act, the sum of two shillings and six pence for every hundred pounds, and no more.

Wages to  
the state  
and county  
treasurers.

**SECT. 6.** *And be it further enacted,* That the state and county treasurers, and the commissioners and assessors, freeholders and collectors, shall be vested with the like powers, take the like qualifications, and be subjected to the same securities, rules, regulations, and other penalties as the said treasurers, commissioners, assessors and collectors are entitled or subjected to, by direction of an act of assembly, intitled, “*A supplement to the act, intitled, An Act for emitting the sum of two hundred thousand pounds in bills of credit, for the defence of this state, and providing a fund for sinking the same by a tax on all estates real and personal, and on all taxables within the same,*” enacted the thirteenth day of October, in the year of our

Fines and  
powers of  
commission-  
ers, &c.

1778.

The second Year  
of the Common-  
wealth.County  
treasurer to  
pay to state  
treasurer,  
who shall  
pay to the  
continental  
treasurer.The asses-  
ment of the  
city and  
county of  
Philadel-  
phia, how  
to be levied  
and raited.

Lord one thousand seven hundred and seventy seven, except as is herein before directed.

**SECT. 7.** *And be it further enacted,* That the treasurer of the city and county of Philadelphia, and of each of the other counties, shall pay over all the monies by them severally received, deducting their own commission or allowance, to the treasurer of the state, on or before the first day of October next, who shall pay over the same monies, deducting his commission or allowance within one month after, to the continental treasurer, whose receipt therefore shall be a sufficient voucher and discharge to the said state treasurer for the same, and be allowed as such at the settlement of his accounts with a committee of the general assembly.

**SECT. 8.** *And whereas* the city of Philadelphia, and some parts of the districts and townships adjacent thereto, are now in the possession of, and under the power of the British army, whereby the said city, townships and districts, cannot be assessed or rated in the manner heretofore used, or agreeable to the directions of this act :

**SECT. 9.** *Be it further enacted,* That the commissioners and assessors for the city and county of Philadelphia may and shall, and they are hereby authorised, impowered and required, to assess the quota aforesaid, apportioned to the city and county of Philadelphia by this act, upon the city, townships and districts respectively, as near to the proportions which the said city bore and paid with respect to the county, in the year one thousand seven hundred and seventy five, as may be, and that they fix the shares thereof which each township and district in the said county ought to pay, and the sums so apportioned to the said city, townships and districts respectively, which are now in possession of, or subject to the enemy as aforesaid, shall hereafter be raised and paid by a just and equal assessment upon the estates real and personal of the present inhabitants and taxables of the said city, townships and districts, to be made by the assessors of the respective wards of the said city, and of the respective townships and districts hereafter to be chosen and elected for that purpose, with the assistance of two able and skillful freeholders, to be appointed in each of the wards, townships and districts aforesaid, by the county commissioners and assessors for the time being. And in case any dispute shall arise between the persons who are the objects of the before mentioned assessment, and the collector thereof, the proof of non residence in the said city, townships or districts respectively, at the time of passing this act, shall lie upon the person or persons

persons who assert the same, and shall be heard and finally determined by the county commissioners of Philadelphia for the time being, or any two of them, at such time and place as they shall appoint.

1778.

*The second Year  
of the Common-  
wealth.*

JOHN BAYARD, SPEAKER.

*Enacted into a law at Lancaster, the 27th day of March, 1778.*

JOHN MORRIS, junior, clerk of the general assembly.

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C H A P T E R L X.

*An ACT for regulating the prices of the several articles herein mentioned for a limited time.*

Pasled April 1st, , 1778. Recorded in Law Book Vol. I. Page 190, &c.  
Repealed September 9th, 1778.

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C H A P T E R L XI.

*An ACT for the further security of the government. See chapter 78, 87 and*

**S E C T I O N I.** **W**HEREAS the welfare and happiness <sup>117.</sup> <sup>78, 87 and</sup> of the good people of this common- <sup>Preamble.</sup> wealth, do, next under God, entirely depend upon the maintaining and supporting the independence and sovereignty of the state, as declared by congress :

**S E C T . 2.** *Be it therefore enacted, and it is hereby enacted All persons by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That all male white inhabitants of this state above the age of eighteen years, who have not hitherto taken the oath or affirmation mentioned and appointed to be taken in the act of assembly, intitled, “*An Act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned,*” enacted the thirteenth day of June last, shall, on or before the first day of June next, take and subscribe the same in manner and form as by the said act is directed ; and that every such person, neglecting to take the said oath or affirmation, shall, during the time of such neglect, be liable to all the disabilities, incapacities and penalties to which they are subjected by the said act ; and also shall be disabled, from and after the said day, to sue or use any action, bill, plaint or information, in course of law,

*Penalties  
and disabi-  
lities.*

1778.

*The second Year  
of the Commu-  
nity wea'b.*

law, or to prosecute any suit in equity or otherwise howsoever, or to be guardian of the person or estate of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, or to make any will or testament, and moreover shall be liable and compelled to pay double the taxes, which another person of equal estate, who has taken such oath or affirmation, shall be rated or assessed at, to be levied by the collector of the public taxes of the township, ward or district in which such offender dwells.

Persons in-  
capacitated  
if they do  
not take  
the oath,  
*&c.*

**SECT. 3.** *And be it further enacted,* That all trustees, provosts, rectors, professors, masters and tutors of any college or academy, and all schoolmasters and ushers; merchants and traders; and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary, by practising in any manner as such in any court or courts whatsoever; apothecary or druggist, and every person practising physic or surgery in any manner for fee or reward; who shall at any time after the first day of June next, be admitted into or enter upon any of the beforementioned preferments, offices or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment or business as aforesaid, without having first taken and subscribed the beforementioned oath or affirmation, he or they shall be *ipso facto* adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy or enjoy the said preferment or preferments, office or offices, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them; and every such office or place of trust shall be void, and is hereby adjudged void; and any person that shall be lawfully convicted of the premises, or any of them, in or upon any presentment or indictment in any court of record in this state, shall also forfeit any sum, not exceeding five hundred pounds, which the court shall adjudge, together with costs, one half of which said fine shall go to the use of the state, and the other half to him, her or them who shall commence and carry on such prosecution with effect.

Penalty.

Justices  
may sum-  
mon any  
person ne-  
glecting,

**SECT. 4.** *And be it further enacted,* That from and after the said first day of June next, it shall and may be lawful for two or more justices of the peace within any county, to direct their precept to any constable or other officer, to summon any male white person, of the age of eighteen years or upwards, who shall have neglected to take and subscribe

subscribe the oath or affirmation before mentioned, to appear before such justices, at such time and place as shall be mentioned in such precept, to take the said oath or affirmation; and if such person so summoned shall not appear at the time and place, having no lawful let or impediment, or appearing shall refuse or neglect to take such oath or affirmation, being tendered to him by the said justices, the said justices shall commit such person making default or refusing to take the said oath or affirmation, to the common goal or house of correction, there to remain without bail or mainprise for the space of three months, unless such offender shall pay down to such justices such sum of money, not exceeding ten pounds, as the said justices shall require such offender to pay, together with legal costs, which money, exclusive of the costs, shall be paid to the overseers of the poor of the city, borough or township where such offender did last inhabit; or if such offender shall refuse or neglect to pay such sum of money, the said justices may cause the said sum of money, together with the costs, to be levied by distress and sale of the goods and chattels of such offender, as they in their discretion shall think best; and unless such offender shall become bound with two sufficient sureties, with condition to appear at the next court of general quarter sessions of the peace to be holden for such county where such offender shall inhabit or reside, and in the mean time to be of good behaviour; at which court the said oath or affirmation shall be tendered to such offender by the justices in their open sessions; and if upon such tender, such offender shall refuse to take the said oath or affirmation, the same shall be recorded, and the said offender shall, within thirty days after such refusal, depart this state under the direction of the court, and he shall incur the forfeiture of his goods and chattels to the state, and of all his lands and tenements to the person or persons who would by law be entitled to inherit the same in case such offender was dead intestate; *Provided*, That if such person or persons is a male or are males, and of the age of eighteen years or upwards, and resident within such county, he or they do some time during the same or the next sessions, or, if resident in any other county of this state, at or before the third sessions, appear in court and take and subscribe the oath or affirmation aforesaid, or produce a certificate or certificates of his or their having previously taken and subscribed the same, which shall be entered by the clerk of the said court on the docquet or records thereof, and an authentic copy of such entry shall be by such clerk delivered to such person or persons under

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wealth.

and on re-  
fusal to  
swear, &c.  
may com-  
mit.

*Provis.*

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of the Common-  
wealth.*

the seal of the court, for which he shall receive the sum of seven shillings and six pence, and no more; and if such person or persons is or are absent out of this state at such sessions when such refusal shall be recorded as aforesaid, and shall return into the same on or before the fourth day of July which will be in the year one thousand seven hundred and seventy nine, then he or they shall appear in court before the end of the second sessions after his or their return into this state, and take and subscribe the said oath or affirmation, or produce a certificate or certificates of his or their having previously done the same; and in case of default herein, such person and persons shall be totally excluded and barred from inheriting the aforesaid lands and tenements, or any part thereof, and the same shall vest in and be settled upon the next representative or representatives in succession to the offender, qualifying him or themselves as above directed.

*Persons not  
swearing,  
shall deliver  
up their  
arms, &c.*

SECT. 5. *And be it further enacted,* That every such person who shall refuse or neglect to take the oath or affirmation before mentioned on or before the said first day of June next, and shall refuse or neglect to deliver up his arms to the lieutenant, or one of the sublieutenants, of the city or county where he inhabits, on or before the tenth day of June next, or who shall, from and after the same day last mentioned, carry any arms about his person or keep any arms or ammunition in his house or elsewhere, shall forfeit the said arms and ammunition to the state, and also double the value thereof to such person or persons who shall discover the same to any justice of the peace of the county where such offender resides, and shall legally prosecute him to conviction before two or more justices of the peace for the said county, who are hereby authorised, impowered and required to hear, try, and finally determine the same, and to award the legal costs without appeal to the supreme or any other court whatsoever.

*No persons  
shall go to  
Philadelphia.*

SECT. 6. *And whereas* many persons have frequently gone into the city of Philadelphia, since the same has been in possession of the British army, under a pretence of business, or of visiting friends, but probably with a view of giving intelligence to the enemy. For the prevention of which in future, *Be it enacted,* That if any person whatsoever shall, from and after the publication of this act, on any pretence whatsoever, go by land or water through or from any part of this state into the said city, whilst in possession of the British army, or within the lines of the enemy in any part of this state, without obtaining leave in writing for that purpose from congress, the commander in chief

of

of the armies of the united states of America, or of the executive council of this commonwealth, and shall be lawfully convicted thereof in any court of oyer and terminer and general goal delivery, or court of quarter sessions of the peace for any county of this state, he or she shall be fined in any sum, not less than fifty pounds, and imprisoned at the discretion of the court, one moiety of which fine shall be to the use of the state, and the other moiety thereof to the use of the informer. *Provided always,* That officers and soldiers, or mariners, in the service of the united states of America, are not to be deemed or taken to be within the intent and meaning of this clause.

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of the Commonwealth.The pe-  
nalty.

Proviso.

**SECT. 7.** *And be it enacted by the authority aforesaid,* That all disabilities and incapacities which any person or persons shall incur or be liable to by reason of the said recited act of the thirteenth day of June last, or of the supplement thereto of the twelfth day of October last, or of this act, shall be and continue, for and during the life of the delinquent or offender.

Duration of  
the disabili-  
ties.

**SECT. 8.** *And whereas* there are divers persons who have heretofore held and exercised office or offices of trusts in the late government of Pennsylvania by commission or commissions granted under the authority of the crown of Great Britain, who have neglected to renounce the same and give assurance of allegiance to this state, and who may think themselves bound by their oath to betray, as far as in them lieth, this free and independent state into the hands of its enemy the king of Great Britain, to the great and manifest danger of the state: *Be it therefore enacted,* That all and every person and persons who now are, or who shall hereafter during the present war be within this state, who have heretofore held and exercised, or who do now hold or exercise, any office or offices by commission or commissions under the authority of the said crown of Great Britain, and who have not already renounced the same, by taking the oath of allegiance to this state, or to some other of the united states of America, or who shall not, on or before the first day of June next, or within ten days after he or they shall come into the same, renounce such commission or commissions by taking the oath of allegiance by the said act enacted the thirteenth day of June last, or by the supplement to the said act enacted the twelfth day of October last, required to be taken, shall forfeit his or their goods and chattels, lands and tenements, to the use of the state, and shall be deemed and taken to be, and shall in all other respects be treated as an enemy or enemies of the state.

Persons  
commission-  
ed under  
the king of  
Great Bri-  
tain, shall  
forfeit, un-  
less, &c.

**SECT. 9.** *Provided always, nevertheless,* That any per-  
son

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wealth.

Proviso, as  
to those  
who shall  
apply for  
leave to sell.

son or persons, except those who have been or shall be guilty of treason or misprision, who shall choose to sell his or their estates real, and retire out of the state, and shall, on or before the first day of June next, apply to the executive council of this state, and pray leave to sell and convey their estates real, it shall and may be lawful for the said council, if they shall think it proper and consistent with the safety of the state, to grant, and they are hereby authorised and impowered to grant a permission under the great seal of the state, and signed by the president or vice president in council, to such person and persons to sell, convey and confirm, within ninety days after such application, his or their estates real, to any person or persons, their heirs and assigns, for ever, which person and persons shall have taken the oath or affirmation of allegiance to this state, which by the act and supplement mentioned in this act is required to be taken, and who shall before some one justice of the peace of this state, on oath or affirmation declare, that the purchase and grant of such estate or estates were *bona fide* for the use and behoof of such purchaser, his heirs and assigns, for ever, and that the same, or any part or parcel thereof, was not in trust for the use of the grantor, his heirs or assigns, in any manner whatsoever; quit rents, commonly called proprietary quit rents, manors, commonly called proprietary manors, and unlocated lands, only excepted. And the deeds or conveyances by which such estate and estates respectively are granted, conveyed and confirmed, expressing and reciting the permission granted by the said council, the same shall be deemed and taken to be good and valid in the law; any thing in this act, or the act and supplement herein before mentioned, to the contrary hereof in any wise notwithstanding.

The act of  
the 13th of  
June, 1777,  
and supple-  
ment to re-  
main in  
force, ex-  
cept, &c.

SECT. 10. *And be it further enacted,* That the act, intituled, "An Act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned," enacted the thirteenth day of June last, and the supplement thereto, enacted the twelfth day of October last, and every clause, matter and thing therein contained, except such parts thereof as are by this act altered, amended or supplied, shall be and remain in full force and effect; any thing herein contained to the contrary notwithstanding.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Lancaster, on Wednesday, the 1st  
day of April, in the year 1778.*

JOHN MORRIS, junior, clerk of the general assembly.

C H A P-

C H A P T E R LXII.

*A supplement to the act, intitled, "An Act to prevent fore-  
" stalling and regrating, and encourage fair dealing."*

Passed April 1st, 1778. Recorded in Law Book Vol I. Page 195, &c.  
Repealed March 22d, 1780.

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*The second Year  
of the Common-  
wealth,*

C H A P T E R LXIII.

*An ACT to impower the justices of the county of Bucks to  
hold courts at other places than usual, and for the removal  
and safe custody of the records and other public papers of  
the said county.*

Passed April 1st, 1778. Recorded in Law Book Vol I. Page 196, &c.  
Repealed August 19th, 1778.

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 of the Common-  
 wealth.

# L A W S

Enacted in the third sitting of the second general assembly of the commonwealth of *Pennsylvania*, which began at *Lancaster*, on *Wednesday*, the 13th day of *May*, 1778.

## C H A P T E R LXIV.

*An ACT for suspending for a limited time the act, intitled,  
 " An Act for regulating the prices of the several articles  
 " herein after mentioned for a limited time."*

Passed May 25th, 1778. Recorded in Law Book Vol. I. Page 197, &c.  
 Expired.

## C H A P T E R LXV.

*A supplement to the act, intitled, " An Act for the calling  
 " in of the bills of credit issued by the legislative au-  
 " thority of Pennsylvania, under the sanction and au-  
 " thority of the crown of Great Britain, and for other  
 " purposes herein mentioned."*

Preamble. SECTION I. WHEREAS by an act of general assembly enacted the twenty third day of March last, intitled, "An Act for calling in of the bills of credit issued by the legislative authority of Pennsylvania, under the sanction and authority of the crown of Great Britain, and for other purposes therein mentioned," it appears that the said act only refers to, and includes all the bills of credit issued under the authority of the crown of Great Britain aforesaid on or before the nineteenth day of April, in the year one thousand seven hundred and seventy five. But an emission of bills of credit issued under the authority

authority aforesaid, amounting to twenty two thousand pounds, made current by an act of assembly, enacted the thirtieth day of September, in the year one thousand seven hundred and seventy five, which bills of credit bear date the twenty fifth day of October, one thousand seven hundred and seventy five, had at that time escaped the notice of the general assembly: And it being their intention to call in all the bills of credit issued under the authority of the king of Great Britain; Therefore, to remedy the aforesaid defect,

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of the Common-  
wealth.

**SECT. 2.** Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That all the bills of credit issued by virtue of the aforesaid act, enacted the thirtieth day of September, one thousand seven hundred and seventy five, intitled, “*An Act for the support of the government of this province and payment of public debts,*” shall be, and are hereby declared to be, within the intent and meaning of the act of general assembly, intitled, “*An Act for calling in of the bills of credit issued by the legislative authority of Pennsylvania, under the sanction and authority of the crown of Great Britain, and for other purposes therein mentioned,*” enacted the twenty third day of March last, as fully and as amply to all intents and purposes as if the bills of credit aforesaid had been particularly mentioned in the said act, and shall be subject to be exchanged by the same persons and destroyed in the same manner that other bills of credit issued under the authority of Great Britain aforesaid are by the said act directed to be exchanged and destroyed; *Provided* that such exchange be made on or before the first day of July next, at which time the said bills of credit shall cease to be legal tender in payment of any debt, and shall be from thenceforth irredeemable, any thing contained in the act by which they were made current to the contrary notwithstanding; and the act by which the said bills of credit were emitted shall be, and is hereby repealed, except such parts of the said act as relate to the conviction and punishing any person or persons counterfeiting or altering the said bills of credit, or uttering the said bills knowing them to be counterfeited or altered; and excepting also so much of the act as relates to sinking the said bills.

**Proviso.**

**SECT. 3.** And be it further enacted by the authority aforesaid, That from and after the publication of this act, all the bills of credit emitted and made current by resolves of the continental congress, shall pass current in this state in the payment of all debts, in as full and as effectual manner

Congress  
bills shall  
be legal  
tender.

## THE HONOURABLE

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*The Second Year  
of the Common-  
wealth.*

manner as bills of credit emitted and made current by virtue of an act of general assembly, intitled, "An Act for emitting the sum of two hundred thousand pounds in bills of credit for the defence of this state, and providing a fund for sinking the same by a tax on all estates real and personal, and on all taxables within the same; and any person or persons refusing the said bills of credit shall be, and they are hereby declared to be, subject to all fines, forfeitures and penalties that such persons were, or are subject to, for refusing the bills of credit emitted by the act of general assembly last mentioned.

SECT. 4. And whereas there is no provision made by law for the conviction and punishment of any person or persons for counterfeiting, forging, altering or uttering any of the counterfeited, forged or altered continental bills of credit emitted since the enacting of a law, intitled, "An Act for making the continental bills of credit and the bills of credit emitted by resolves of the late assemblies legal tender, and for other purposes therein mentioned," knowing them to be such, or for punishing the counterfeiting the continental loan office certificates that have been granted since the enacting a law, intitled, "An Act for punishing the counterfeiting the continental loan office certificates and lottery tickets.

*Penalty on  
counter-  
feitors of  
congres-  
sional  
bills.*

SECT. 5. For remedy whereof, Be it enacted by the authority aforesaid, That if any person or persons, who have counterfeited, or shall hereafter counterfeit, forge, alter or utter any of the aforesaid counterfeited, forged or altered continental bills of credit or loan office certificates emitted, granted or issued since the enacting of the said laws, knowing them to be such, and shall be thereof legally convicted, he or they shall suffer all the pains and penalties, fines and forfeitures which should or ought to be inflicted on any person or persons counterfeiting, forging or altering the bills of credit of this state, by virtue of an act, intitled, "An Act for emitting the sum of two hundred thousand pounds, in bills of credit, for the defence of this state, and providing a fund for sinking the same."

JOHN BAYARD, SPEAKER.

*Enacted into a law at Lancaster, on Monday, the  
25th day of May, A. D. 1778.*

*JOHN MORRIS, junior, clerk of the general assembly.*

1778.  
The second Year  
of the Common-  
wealth.

# L A W S

Enacted in the fourth sitting of the second general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, on the fourth day of *August*, A. D. 1778.

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## C H A P T E R LXVI.

*An ACT to repeal three several acts of general assembly of this commonwealth, to wit, the act intitled, "An Act to empower the justices of Philadelphia and Chester counties to hold courts at other places than usual." One other act, intitled, "An Act for the better securing and punishing persons guilty of crimes therein mentioned." And the act, intitled, "An Act to empower the justices of the county of Bucks to hold courts at other places than usual, and for the removal and safe custody of the records and other public papers of the said county.*

SECTION 1. WHEREAS at the time when the enc- Preamble.  
emy's grand army was in possession of the city of Philadelphia and its environs, and frequently made sudden incursions into the adjacent counties of Chester and Bucks, three several acts of general assembly were made for the advancement and more certain administration of public justice in the several counties of Philadelphia, Chester and Bucks, and for the safety of the public records of the said county of Bucks.

SECT. 2. And whereas upon the retreat of the said army from this state the provisions made by the said three several acts are become unnecessary, and the respective courts of justice, records and prisons may from henceforth be safely held and kept at the usual places appointed by law.

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*The second Year  
of the Commonwealth.**Repeal of  
three acts.**All things  
done under  
said laws to  
this time,  
made valid.*

**SECT. 3.** Be it therefore enacted, and it is hereby, enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the three several acts of general assembly, following, to wit, the act intitled, "An Act to impower the justices of Philadelphia and Chester counties to hold courts at other places than usual." One other act intitled, "An Act for the better securing and punishing persons guilty of the crimes therein mentioned." And the act intitled, "An Act to impower the justices of Bucks county to hold courts at other places than usual, and for the removal and safe custody of the records and other public papers of the said county." And every clause, matter and thing in the said acts, and each and every of them, shall be and they are hereby declared to be repealed.

**SECT. 4.** Provided always, and be it further enacted by the authority aforesaid, That every act, matter and thing, by virtue and in pursuance of any of the said three acts of general assembly, done before the publication of this act, shall be taken, deemed and adjudged to be good and available in law. And that all informations, presentments and indictments found, made and taken, and all other proceedings and process commenced and issued under the authority of any of the said three several acts, and not determined before the publication of this act, shall be continued, proceeded on and determined in the city or county respectively where the crimes or offences were committed or the cause of action had arisen.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday, the  
19th day of August, in the year 1778.*

*JOHN MORRIS, junior, clerk of the general assembly.* §

## CHAPTER LXVII.

*An ACT to indemnify William Dewees, esquire, the late sheriff, and James Claypoole, esquire, the present sheriff of the city and county of Philadelphia, for removing the prisoners from the new goal, and imprisoning them and others in the old goal in the city of Philadelphia.*

Preamble.

**SECTION I.** WHEREAS it was in and by an act of assembly of the province of Pennsylvania, intitled, "An Act for erecting a new goal, workhouse

*"house and house of correction in the city of Philadelphia,"* passed on the twenty sixth day of February, in the year of our Lord one thousand seven hundred and seventy three, enacted and provided, That as soon as the new goal, work-house and house of correction by the said act directed to be built in the said city should be builded and finished, that all the felons, criminals and others then confined in the old goal, work house and house of correction in the said city, should be removed to the new goal, work house and house of correction by the said act directed to be built.

SECT. 2. *And whereas* the said new goal, work house and house of correction were accordingly built, and the prisoners aforesaid removed to the same.

SECT. 3. *And whereas* the said new goal was afterwards, to wit, on or about the twenty second day of July in the year of our Lord one thousand seven hundred and seventy six, yielded up to the congress of the thirteen united states of North America for a military prison, and hath been since occupied as a military prison; and may be needed for that purpose for some time yet to come.

SECT. 4. *And whereas* it is just and proper that the late and present sheriffs of the city and county of Philadelphia be indemnified for using the said old goal, and holding felons, criminals and other prisoners therein, as though the said old goal had been and was still the goal of the said city and county. And that the sheriffs of the said city and county be enabled to keep and hold felons, criminals and other prisoners in the said old goal for a limited time in like manner as the said sheriffs may lawfully hold such felons, criminals and other prisoners in the proper goal of the said city and county. Wherefore,

SECT. 5. *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That William Dewees, esquire, who was high sheriff of the city and county of Philadelphia for and during the year ending the fourteenth day of October, which was in the year of our Lord one thousand seven hundred and seventy six, and James Claypoole, esquire, the present high sheriff of the said city and county, and their deputies and every of them, shall be and are hereby indemnified and saved harmless against all and all manner of suits and actions which may lie or be brought against them or any of them, by reason of the keeping and imprisoning of any person or persons in the said old goal, who ought to have been holden in the proper goal of the said city and county, and that if any such suit or action be brought, the same

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wealth.

William  
Deweese  
and James  
Claypoole,  
esquires, in-  
demnified.

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*The second Year  
of the Commonwealth.**Sheriffs  
may hold  
prisoners in  
the old  
goal.*

same shall be hereby barred and the proceedings discontinued by the court.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the sheriffs of the city and county aforesaid may keep and hold in the said old goal, any felons, criminals and other prisoners who shall be liable to be kept and holden in the goal of the said city and county from this time for and during the term of one year, or for such shorter time as the congress shall detain the proper goal of the said city and county, in like manner as if the said goal had continued to be the lawful goal of the said city and county, and that all such future keeping and imprisonment not exceeding one year, shall be and are hereby declared to be good and valid to all intents and purposes; and that the sheriffs of the said city and county be hereby enabled and required to remove all prisoners who may be lawfully confined in the said old goal at the time when he shall become re-possessed of the said new goal as aforesaid from the said old goal to the proper and lawful goal of the said city and county.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the  
27th day of August, in the year of our Lord 1778.  
JOHN MORRIS, junior, clerk of the general assembly.*

## CHAPTER LXVIII.

*An ACT for making valid the title of lands held under persons born out of the allegiance of the crown of Great Britain, and who have died not having been naturalised.*

Preamble.

SECTION I. WHEREAS the many advantages to be derived from the settling of a new and fertile country under a government more free than some of those of the European states, induced many persons not born in allegiance to the crown of Great Britain, to settle in Pennsylvania, while it remained subject to that crown, and confiding in the justice and equity of the then government, and assurances given by the late William Penn, esquire, laid out their money in lands and improved the same with great industry and have thereby acquired a just and equitable title thereto, and many of them died not having been naturalised, whereby their titles in the law were defective and the attempt of the legislature under the said government

ment to remedy the inconveniences and hardships arising thereby to the heirs, devisees and assigns of such persons have through the rigid policy of Great Britain been rendered ineffectual and abortive: For remedy whereof,

**SECT. 2.** *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same,* That the heirs, devisees and assigns of persons born out of the allegiance of the crown of Great Britain, and who have removed to this or any of the adjoining states for the purpose of settling, and who have died not having been naturalised, shall hold their estates respectively as if such persons so having died and not having been naturalised had been born in allegiance to the said crown of Great Britain, or had been naturalised by law in due form made and enacted for that purpose; any law, usage or custom to the contrary thereof in any wise notwithstanding.

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of the Common-  
wealth.*Estates held  
under ali-  
ens not na-  
turalised,  
made valid.

JOHN BAYARD; SPEAKER.

*Enacted into a law at Philadelphia, on Monday the  
31st day of August, in the year 1778*  
JOHN MORRIS, junior, clerk of the general assembly.

## C H A P T E R L X I X.

*An ACT to declare valid the acknowledgments of deeds and the proofs of witness to the execution thereof made and taken by and before any of the members of the former council of safety or the justices of the peace appointed by the convention of this state, or members of the supreme executive council; and to declare valid the probate and registering of wills and granting letters of administration of the late register-general of the province of Pennsylvania, and his deputies in the several counties thereof during a certain period of time.*

**SECTION 1.** **W**HEREAS by the laws made under Preamble. the former government of the province of Pennsylvania, and since continued and extended to the government of this commonwealth by an act of it's legislature intitled "An Act to revive and put in force such and so much of the late laws of the province of Pennsylvania as is judged necessary to be in force in this commonwealth; and to revive and establish the courts of justice, and for other purposes therein mentioned," enacted the twenty-eighth day of January, in the year of

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our

1778.

*The second Year  
of the Commonwealth.*

our Lord one thousand seven hundred and seventy-seven, it was provided that all deeds and conveyances to be made in the said province for transferring lands, tenements and hereditaments within the same, should be acknowledged by one of the grantors, or proved by one or more of the subscribing witnesses to such deed; and that the private examinations of feme covert being parties to such deeds should be taken by and before one of the judges of the supreme court of the said province, or before one of the justices of the court of common-pleas of the county where the lands conveyed lie.

SECT. 2. *And whereas* upon the declaration of independence on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, the supreme court of Pennsylvania and the courts of common-pleas of the several counties within this state became dissolved; and all judges, justices and officers thereof, as deriving jointly with the said courts their authority from the king of Great-Britain stood severally disqualified from doing any act in their former office.

Justices of  
the peace  
appointed  
by the con-  
vention.

SECT. 3. *And whereas* the convention for the state of Pennsylvania by an ordinance passed the third day of September, in the year of our Lord one thousand seven hundred and seventy-six, did nominate and appoint all the then members of a newly established council of safety, to wit, David Rittenhouse, Jonathan B. Smith, Owen Bidle, James Cannon, Timothy Matlack, Samuel Morris the elder, Samuel Howel, Frederick Kuhl, Samuel Morris the younger, Thomas Wharton the younger, Henry Keppele the younger, Joseph Blewer, Samuel Mifflin, George Gray, John Bull, Henry Wynkoop, Benjamin Bartholomew, John Hubly, Michael Swope, William Lyon, Daniel Hunter, Peter Rhoads, David Espy, John Weitzel and John Moore, Esquires, justices of the peace for this state at large, and a number of other persons to be justices of the peace for the several counties in this state, to wit, Benjamin Franklin, John Dickinson, George Bryan, James Young, James Biddle, John Morris the younger, Joseph Parker, John Bayard, Sharp Delany, John Cadwallader, Joseph Copperthwaite, Christopher Marshall the elder, Francis Gurney, Robert Knox, Matthew Clarkson, William Coates, William Ball, Philip Boehm, Francis Casper Hassenclever, Thomas Cuthbert the elder, Moses Bartram, Jacob Shreiner, Joseph Moulder, Jonathan Paschall, Benjamin Paschall, Benjamin Harbeson, Jacob Bright, Henry Hill, Samuel Ashmead, Frederick Antis, Samuel Erwin, Alexander Edwards, Seth Quee, Samuel Potts, Rowland Evans, Charles Ben-

fell

fell and Peter Evans, esquires, to be justices of the peace for the city and county of Philadelphia; Joseph Hart, Richard Walker, Joseph Kirkbride, John Wilkinson, John Kidd, Robert Patterson, John Clark, James Benezet, Samuel Smith, James M'Mullan, Theophilus Foulke, Joshua Anderson, George Wickart and Thomas Long for the county of Bucks; Alexander Johnston, William Clingan, Evan Evans, Richard Baker, John Sellers, Nicholas Fairlamb, John Jones, John Wilson, William Haslet, Israel Whalin, William Denny, Samuel Bond and Robert Mendenhall, esquires, for the county of Chester; Emmanuel Carpenter, Edward Shippen, William Henry, Michael Hubley, William Boufman, Ludwig Lauman, James Bird, James Work, Timothy Green, John Thome, Moses Erwin, John Ferrie, Zacheus Davis, David Jenkins, John Whitehill, James Clemson, William Brown, James Murray, Robert Thompson, Robert Barber, Thomas Whitesides, Michael Bright and Christopher Wægman, esquires, for the county of Lancaster; Robert M'Pherson, Martin Eichelberger, Samuel Edie, David M'Conaughy, Richard M'Calister, Henry Slagel, Matthew Dill, William Rankin, William Lees, William Bailey, William Scott, William Smith, William M'Caskey, Josias Scott, Thomas Latta, William M'Clean and John Mickle the younger, esquires, for the county of York; John Armstrong, John Byers, John Reynolds, Jonathan Hoge, Robert Miller, George Robeson, John Holmes, James Oliver, John Agnew, John Alison, James Maxwell, Samuel Lyon, William Brown, James Dunlap, John M'Clay, William Elliot, Matthew Henderdon and Frederick Watt, esquires, for the county of Cumberland; James Read, Peter Spyker, Jacob Morgan, George Douglas, Mark Bird, Henry Christ, Baltazar Geer, John Patton, Thomas Dundas, Christopher Witman, Richard Tea and Bastian Levan, esquires, for the county of Berks; Robert Trail, Jacob Moory, Christopher Wagener, Henry Kooken, John Weitzel, Peter Traxler senior, Nicholas Dupui, Evan Morgan, Robert Forgeman and Henry Barnet, esquires, for the county of Northampton; Bernard Dougherty, William Proctor, George Wood, Abraham Cable, Thomas Smith, Thomas Coulter, Henry Lloyd, John Piper, Samuel Davidson, William Latta, John Wilkins, William Todd, Benjamin Elliott, William Parker, Evan Shelby, David Jones, Henry Rhoads, William Johnston, William M'Leavy, Gideon Ritchey, John Mellot, Edward Coomb, Hugh Davis, Matthew Patton, Robert Ramsey, Benjamin

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min Bird, John Shaver, Samuel Thompson, William Philips, William Holiday the younger, Charles Cessna, John Mitchel and Richard Brown, esquires, for the county of Bedford; Samuel Hunter, James Potter, William M'Clay, Robert Moodie, John Lowden, Benjamin Weiser, John Fleming, Henry Antis and John Simpson, esquires, for the county of Northumberland; and Robert Hanna, William Lockary, Alexander M'Clean, Providence Mounts, Andrew M'Farlin, James Pollock, James Caval, Samuel Sloane, Thomas Scott, Michael Hoofnagle, James Wilson, David Allen, Benjamin Davis, Philip Rogers, Joseph Caldwell, James Wilkins, William Elliot, George Latimore and Samuel Burns, esquires, to be justices of the peace for the county of Westmoreland; thereby ordaining and declaring that the said justices and every of them should have full power and authority to take acknowledgments of deeds.

*Members of  
council,  
justices ex  
officio by  
the constitu-  
tion.*

SECT. 4. *And whereas* in and by the nineteenth section of the frame of government it is declared, that every member of the supreme executive council shall be a justice of the peace for the whole commonwealth by virtue of his office; and several of the said members of the council of safety and justices of the peace of the respective counties, in consequence of their appointment by the convention, and the members of the supreme executive council, by virtue of the said declaration contained in the frame of government, have taken acknowledgments of deeds, the affidavits on oath or affirmation of the subscribing witnesses to deeds and the private examinations of feme covert with respect to their free and unrestrained will and accord at the time of executing such deeds, and have accordingly certified such acknowledgments, affidavits and private examinations under their hands and seals.

SECT. 5. *And whereas* the supreme court of this commonwealth, and the courts of common pleas in the several counties thereof, having since by law been revived and re-established, and the judges and justices thereof commissioned by the president or vice-president in council, the form of acknowledging and proving the execution of deeds is again returned into its former channel.

SECT. 6. *But* for as much as the legality and validity of such acknowledgments of the parties and proof of the witnesses to deeds, and of such private examinations of feme covert as have been had and taken by and before any member of the council of safety, or any of the justices appointed by the convention, or any of the members of the supreme executive council of this commonwealth,

may

may hereafter be called in question. For preventing and remedying whereof,

**SECT. 7.** *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same,* That all the acknowledgments of the parties and proofs of a subscribing witness or witnesses to a deed, and all the private examinations of feme covert, parties to a deed, concerning their free and unrestrained will and accord, in executing the same, had and taken by and before any of the said members of the said council of safety, (whilst that council was subsisting) or any of the said justices of the peace appointed by the convention, until justices of the court of common pleas were appointed, or a member of the supreme executive council, at any time before the publication of this act, and on the foot or back of the deed certified under the hand and seal of the person who has taken such acknowledgment, affidavit or private examination shall be good and valid in the law, and may be recorded as such to the same effect as if such acknowledgment, affidavit or private examination had been taken by any of the judges of the supreme court, or justices of the court of common pleas of the county wherein the lands or other real estates conveyed lie.

**SECT. 8.** *Provided always, and it is hereby further enacted by the authority aforesaid,* That all deeds so acknowledged, proved and certified as aforesaid, if not already recorded, shall within the space of nine months from the publication of this act, be recorded in the proper office of the county wherein the lands and tenements by such deeds conveyed do lie.

**SECT. 9.** *And whereas* the late office of register general for the probate of wills and granting letters of administration in the province of Pennsylvania, and the offices of all his deputies in the several counties within the same, were upon the declaration of independence on the fourth day of July one thousand seven hundred and seventy-six vacated, and the register-general and his deputies, according to the maxims of polity and government, disqualified from doing any act in their former offices. But for as much as the office and business of proving wills and administering on the estates of persons deceased is of such a nature, that any discontinuance in the exercise thereof may in many instances prove extremely injurious and detrimental to widows, orphans, absent relations, creditors and other persons interested in the estate of a testator or intestate; so the late register-general and his deputies in

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wealth.

Acknow-  
ledgements  
and pro-  
bates of  
deeds made  
before the  
aforesaid  
justices, &c.  
made valid,

provided  
the deeds  
are record-  
ed within  
nine  
months.

Preamble  
as to wills  
and admin-  
istration.

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the several counties of this state, have continued to exercise their respective offices, received the wills of the testators and the probates thereof, registered the same, and granted letters testamentary and letters of administration, under the seal of the register-general's office, until the publication of the act of this commonwealth, enacted in the first general assembly thereof, on the fourteenth day of March one thousand seven hundred and seventy-seven, intituled "*An Act for establishing in the city of Philadelphia and in each county of this state an office for the probate and registering of wills and granting letters of administration, and an office for the recording of deeds:*" Therefore, in order to make valid and effectual in the law the probate of such wills and granting letters of administration, made and done since the declaration of independence to the time of publication of the said last mentioned act of assembly, by the late register general at Philadelphia and by his deputies in the several counties of this state,

*Letters testamentary, &c. rendered valid till the new officers open'd.* SECT. 10. *Be it further enacted by the authority aforesaid,* That all such last wills and testaments as have been received, proved and registered, and all letters testamentary and letters of administration granted in the register general's office at Philadelphia and in the several counties of this state, since the declaration of independence of the fourth of July, one thousand seven hundred and seventy six, to the fourteenth day of March, one thousand seven hundred and seventy seven, when the said act for establishing the offices for wills and administration was passed, or to the day when the several officers nominated and appointed in the city and several counties of this state in pursuance of the said last recited act opened or exercised their respective offices, shall be deemed as good and valid to all intents and purposes in the law, as wills proved and registered, and letters testamentary and of administration granted by the register general or his deputies in the several counties before the declaration of independence, notwithstanding the incapacity of the said officers.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
31<sup>st</sup> day of August, in the year 1778.  
JOHN MORRIS, junior, clerk of the general assembly.*

## C H A P T E R LXX.

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of the Commonwealth.*

*A further supplement to the act, intitled, "An Act directing  
" the mode and time of electing justices of the peace  
" for the city of Philadelphia and the several counties  
" in this commonwealth, and for other purposes herein  
" mentioned."*

## SECTION I. WHEREAS notwithstanding the pro-

*vision made in the act of general assembly of this commonwealth, intitled, "An Act directing  
" the mode and time of electing justices of the peace for the city  
" of Philadelphia, and the several and respective counties in  
" this commonwealth, and for other purposes therein men-  
tioned," enacted the fifth day of February, in the year of  
our Lord one thousand seven hundred and seventy seven,  
and in the supplement thereto, enacted the fifteenth day of  
March in the year aforesaid, yet there is no sufficient provi-  
sion made for supplying vacancies that may happen by the  
death, removal from the county, resignation or refusal of  
those elected to act, whereby several of the districts, county  
towns, wards and townships in this commonwealth, remain  
without their full number of justices, as settled by the said  
acts, for the administration of justice :*

SECT. 2. For remedy whereof, *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same,* That where any vacancy or vacancies have happened, or shall hereafter happen, in the number of justices in any district, county town, township or ward, within this commonwealth, occasioned by the death, resignation, removal, or refusal to act, of any of the justices commissioned or elected by the inhabitants, agreeable to the acts of assembly aforesaid; it shall and may be lawful for some one of the nearest justices to the said district, county town, township or ward, and he is hereby enjoined and required, upon information given him by any of the inhabitants, to summon before him the constable or constables of the said district, county town, township or ward where such vacancy is or shall be, and enjoin and command the said constable or constables to hold an election on a certain day, within twenty days thereafter, and at a certain place within the said district, county town, township or ward, to be by him then fixed and appointed, by a writing under his hand, and delivered to the said constable or constables: And the said constable or constables shall give at least ten days notice to the freeholders qualified by law to vote for justices

The nearest  
justice  
(when va-  
cancies hap-  
pen) to ap-  
point the  
time and  
place for a  
new elec-  
tion.

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The presi-  
dent, &c.  
in council  
to fill up  
vacancies.

justices of the peace, by written or printed advertisements, to be by him or them affixed in at least six of the most public places of such district, county town, township or ward, to meet at the said time and place, to elect a double number of proper persons to be returned as directed by the acts aforesaid, to the president or vice president and council, in order that one half of the number elected be commissioned, to fill up such vacancy.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when the freeholders of any district, county town, township or ward, within this commonwealth, have refused or neglected, or shall hereafter refuse or neglect to elect justices of the peace, agreeable to the directions of the before recited acts, or of the further provisions herein made, that then it shall and may be lawful to and for the president or vice president in council, to commissionate a suitable number of justices of the peace, to fill up such vacancies, agreeable to the numbers settled in the afore recited acts.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
31st day of August, in the year 1778.*  
JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER LXXI.

*An ACT for settling the accounts of the late committee  
and council of safety.*

Preamble.

SECTION I. WHEREAS it is necessary that the accounts of the late committee and council of safety be speedily adjusted and settled, in order to enable this state to settle their accounts with congress: Therefore,

Auditors appointed, who may draw on the state treasurer. They shall report.

SECT. 2. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That William Moore, Joseph Dean and David Rittenhouse be and they are hereby appointed auditors, with full power to audit, collect, adjust, liquidate and settle the said accounts of the late committee and council of safety of Pennsylvania, and when any ballance shall be due to the state, they shall direct the payment thereof to be made to the state treasurer; and where it shall be due from the state, they shall draw an order on the state treasurer,

furer, in favour of the person to whom the same shall be due, which order the state treasurer is hereby directed to pay; and they the said auditors shall also at each sitting of the general assembly make report of what progress they have made in the settlement of the said accounts.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That the said auditors, or any two of them, be, and they are hereby directed and impowered to open an office for the purpose of receiving and regularly keeping the said accounts, and to give notice thereof in the public newspapers or otherwise, requiring all persons who have been intrusted with public money, or who have demands upon the late committee or council of safety, or are otherwise interested in any of the said accounts unsettled, to attend at the said office for the purpose of adjusting and settling the same.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That the said auditors or any two of them, be, and they are hereby authorized and directed to purchase and prepare sufficient books, in which they shall enter all the accounts of the late committee and council of safety; therein carefully distinguishing and separating such as are the proper accounts of this state, and such as are owing or chargeable to the united states or any of them.

**SECT. 5.** And the better to enable the said auditors to obtain a full and certain knowledge of the aforesaid accounts from the different parts of this state and to make a just settlement thereof;

**SECT. 6.** *Be it further enacted by the authority aforesaid,* their That it shall and may be lawful to and for the said auditors powers; or any two of them, as often as occasion may require, to call before them by subpœna or attachment any person or persons who have been intrusted or charged with public monies, or who they may have reason to believe capable of giving evidence or information respecting the said accounts, or any of them, and such person or persons to examine on oath or affirmation touching the same, which oath or affirmation they or any one of them are hereby impowered to administer; and all persons subpœnaed as aforesaid, are hereby enjoined and required to pay due obedience thereto, and in every case of neglect or refusal shall be subject to the same pains and penalties as in such like cases is customary; and persons subpœnaed as witnesses shall be intitled to the same fees for their attendance, as witnesses in the usual course of law.

**SECT. 7.** *And be it further enacted by the authority aforesaid*

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wealth.

Auditors  
shall open  
an office  
and give  
notice;

shall pre-  
pare books,  
&c.

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of the Common-  
wealth.**may em-  
ploy clerks,  
&c. and  
draw orders  
not exceed-  
ing 1000.  
for that  
purpose.**The presi-  
dent, &c.  
may supply  
vacancies.**Auditors  
shall take  
an oath of  
office.*

*aforesaid,* That the said auditors, or any two of them, shall have power and authority to employ suitable persons as clerks or accountants for the purpose of stating such accounts as may be by them allowed and passed; and to allow them such compensation for their services as shall by the said auditors be deemed reasonable and just; and they are hereby further empowered to draw upon the state treasurer for any sum, not exceeding one thousand pounds, to defray the necessary expences of clerks wages, office rent, stationary and other charges of the like nature; which accounts with their proper vouchers shall be laid before the general assembly to be examined and allowed.

SECT. 8. *And be it further enacted by the authority aforesaid,* That in case of neglect or refusal of any of the said auditors to act, or in case any vacancy may happen by death or otherwise, it shall be lawful for the president or vice president and council in the recess of the house, to fill such vacancy by their appointment as often as it may be necessary.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the said auditors herein appointed or hereafter appointed as above mentioned shall before they enter upon the execution of the duties herein enjoined them, take an oath or affirmation before the president or vice president in council, for the faithful execution of the trust reposed in them.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday, the  
2d day of September, in the year 1778.*

*JOHN MORRIS, junior, clerk of the general assembly.*

### CHAPTER LXXII.

*An ACT to enable the supreme executive council to allow further time to John Abraham De Normandie, of the county of Bucks, practitioner in physic, for the sale of his estate and to retire out of the state, than is allowed in an act of general assembly, intituled, "An Act for the further security of the government."*

Preamble.

SECTION I. WHEREAS John Abraham De Normandie, of the county of Bucks, practitioner in physic, in a petition to the house of general assembly has represented that he is a freeholder, citizen and burgher of the city of Geneva, the country of his ancestors;

cesters; that he has for a considerable time past had an intention of removing to that city; for which purpose three years ago he began to dispose of the real estate held by him in Pennsylvania, and that he had not seen or heard of the said act intitled "An Act for the further security of the government," until the time therein limited for an application to the supreme executive council for leave to sell and retire out of the state was elapsed, and the legislature of this state being disposed to do justice to all men, and to remove every just cause of complaint so far as in them lieth:

**SECT. 2.** Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That it shall and may be lawful to and for the supreme executive council of this commonwealth, (if they shall think it proper and consistent with the safety of the state,) to grant, and they are hereby authorized and empowered to grant a permission under the great seal of the state, and signed by the president or vice president in council to the said John Abraham De Normandie, to sell, convey and confirm within ninety days after the day of enacting this law, his estate real to any person or persons, their heirs and assigns for ever according to the directions and subject to the restrictions of the said recited act of general assembly as if the same had been applied for and obtained on or before the first day of June last past, any thing in the said act to the contrary hereof, notwithstanding.

The council  
empowered  
to give  
leave to Dr.  
DeNorman-  
die to sell  
his estate.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Wednesday, the  
2d day of September, in the year 1778.

JOHN MORRIS, junior, clerk of the general assembly.

## C H A P T E R LXXIII.

*A supplement to the act, intitled, "An Act for the better preventing obstructions to the navigation of Chester creek and other navigable creeks and rivers in this province."*

**SECTION 1.** WHEREAS in pursuance of an act Preamble. of general assembly of the province of Pennsylvania, intitled "An Act for the better preventing obstructions to the navigation of Chester creek and other

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of the Commonwealth.**Commissioners, &c.  
may build a  
new bridge  
without a  
draw.*

*"other navigable creeks and rivers in this province," a draw bridge which in the year one thousand seven hundred had been first built over the said creek, was in the year one thousand seven hundred and twenty-five rebuilt, and ever since repaired and maintained at the public charge of the said county of Chester, and the same bridge is at last decayed and ruined and it is necessary for the convenience of travellers on the high road, that a good safe bridge over the said creek should be always maintained and kept in repair, but the draw or engine to raise and lower the same is of no public utility, and yet attended with extraordinary expences and inconveniences to the public. Therefore,*

**SECT. 2.** *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That the commissioners and assessors, with the concurrence of the magistrates of the county of Chester, shall as soon as may be cause a new bridge to be built at the place where the old bridge formerly stood, leaving at least twenty feet clear between the timber or stone work, and not less than eighteen feet in breadth and eight feet headway at high water for the easy passage of rafts, flats, shallop and other crafts; and that the said bridge shall be made fast and close continued from one side of the creek to the other without any draw or opening for a mast; any thing in the said act of general assembly to the contrary thereof notwithstanding.*

**Repeal.** *And be it further enacted by the authority aforesaid, That so much of the said recited act to which this is a supplement as is herein altered or amended, is hereby declared to be repealed and of no further force or effect.*

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the  
3d day of September, in the year 1778.*

*JOHN MORRIS, junior, clerk of the general assembly.* 

## CHAPTER LXXIV.

*An ACT to prohibit the exportation of provision from the state of Pennsylvania, for a limited time.*

*Passed September 7th, 1778. Recorded in Law Book Vol. I. Page 209, &c.  
Expired.*

CHAP-

## CHAPTER LXXV.

1778.

*An ACT for the recovery of the duties on negroes and mulatto slaves, which on the fourth day of July one thousand seven hundred and seventy-six were due to this state, and have since accrued and for appointing a collector of the said duties.*

The second Year  
of the Common-  
wealth.

SECTION 1. WHEREAS by an act of the general Preamble.  
**W** assembly of the former government of Pennsylvania passed the fourteenth day of March, one thousand seven hundred and sixty one, intitled "An Act for laying a duty on negroes and mulatto slaves imported in this province," a duty of ten pounds was laid on every negro and mulatto slave, imported, landed or brought into the said province for sale. And several other regulations were made for collecting and applying the said duty.

SECT. 2. *And whereas* by another act of the said general assembly, passed the twenty sixth day of February, one thousand seven hundred and seventy three, the additional duty of ten pounds was laid on every negro and mulatto slave imported and not excepted in the said first mentioned act.

SECT. 3. *And whereas* upon the declaration of independence of this and the rest of the united states of America, the office of the collector of the said duties has been vacated and no new officer appointed by the legislature of this state. In consequence whereof the entries of negroes and mulatto slaves since brought into this state could not be properly made and the duties laid on them, collected. For remedying whereof, and that the said duties may be collected and recovered, and that all the regulations made by the aforesaid two acts of general assembly may for the future be put in due execution.

SECT. 4. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That Walter Shee, of the city of Philadelphia, merchant, shall be, and he is hereby appointed collector of the duties and receiver of all fines, forfeitures and penalties imposed by the aforesaid two acts of general assembly. And he is hereby authorised, enjoined and required to demand and receive of and from the late collector of the said duties, all bonds and securities taken in pursuance of the said acts, and all books, minutes and papers to the said office of collector of the duties on negroes and mulatto slaves belonging, and from the person and persons who by virtue of any

Walter Shee  
appointed  
collector of  
the duties;

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wealth.*

such bond, or otherwise owe any duty or duties, fine or fines, and their sureties, to demand and receive the same, and upon refusal to prosecute and sue for the recovery thereof, and also to do, execute and perform all and every the acts, matters and things enjoined to be done and performed by the collector of the said duties, in the said two recited acts, and by this act he the said Walter Shee, before he enters upon the execution of his said office, giving bond with one or more sufficient sureties to the treasurer of this state for the time being, in the sum of one thousand pounds for the due execution of his trust, and having taken the oath or affirmation of allegiance, as prescribed by the laws of this state.

Slaves im-  
ported since  
the 4th of  
July, 1776,

shall be en-  
tered with  
the collect-  
ors or clerk  
of the sessi-  
ons within  
three  
months.

Penalty for  
default.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all persons who are resident within this state, and have at any time since the fourth day of July, one thousand seven hundred and seventy six, imported or brought into any place under the laws and government thereof, any negro or mulatto slave or slaves, either for sale or for their own families service, or have purchased, hired or maintained such negroes or mulattoes, shall within the space of three months next, after the publication of this act, make a true entry thereof with the said collector at Philadelphia, or his deputies in the several counties, and pay the duties by the said two several acts imposed, or give the security thereby required, or if no deputy of the said collector be known in the county, make a return to the clerk of the court of general quarter sessions of the peace for the county where any such negro or mulatto slave has been first imported or removed to, or is then, or has been at any time before living. And the clerk of the said court is hereby enjoined and required to take and enter such return in the same book, or on the same file where the returns of constables about negroes imported are entered, to which returns the collector shall have free access. And the person and persons who shall within the said space of three months make such entry or report, and give such security as aforesaid, shall be and is hereby indemnified, freed and discharged of and from all penalties, fines and forfeitures in and by the said two recited acts, set upon persons not making such entries, and giving such security as thereby is directed. Otherwise the person and persons, who have since the fourth day of July, one thousand seven hundred and seventy six, imported, sold, purchased, hired or maintained within this state any such negro or mulatto slave, and shall not within the said space of three months make the entry by this act

act directed to be made, shall upon due conviction thereof forfeit such negro or mulatto, or if he has already disposed thereof, or the negro or mulatto has died or run away, then the value of such negro and mulatto.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the late collector of the duties on negro and mulatto slaves, shall upon the proper demand of the said Walter Shee, refuse or neglect to deliver up to him the bonds, securities, books, minutes and papers to the office of the collector of the aforesaid duties belonging, and the said Walter Shee shall make complaint thereof to any one justice of the peace of the city or county where the said late collector dwelleth, such justice shall issue his warrant in the nature of *capias*, causing the officer to be brought before him, and if the complaint shall be supported by good evidence, the said justice shall commit him to the common goal of the county, there to remain without bail or mainprise, until the said bonds, securities, books, minutes and papers shall be delivered up as aforesaid.

SECT. 7. *And be it further enacted by the authority aforesaid,* That in case of the death, removal or refusal to act of the person herein appointed collector, or of any future collector, it shall and may be lawful for the general assembly for the time being, to appoint another collector by resolve: And in case any vacancy shall happen in the recess of the house, the president or vice president in council shall then have the said appointment.

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wealth.

If the late  
collector  
shall refuse  
to deliver  
the bonds,  
&c.

he shall be  
committed.

In case of  
vacancy,  
the council  
to appoint.

### JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Monday the  
7th day of September, in the year 1778.*  
JOHN MORRIS, junior, clerk of the general assembly.

### C H A P T E R LXXVI.

#### *An ACT for establishing a court of admiralty.*

Passed September 9th, 1778. Recorded in Law Book Vol. I. Page 212, &c.  
Repealed.

## THE HONOURABLE

## CHAPTER LXXVII.

1778.

The second Year  
of the Common-  
wealth.

*An ACT to repeal the act, intitled "An Act for regulating the several articles herein mentioned for a limited time," and also so much of the act, intitled "An Act for the better supply of the army of the united states of America, and the supplement thereto as is herein after mentioned."*

Preamble. SECTION I. WHEREAS the honorable continental congress recommended to the several states to enact laws for regulating the prices of goods, wares and merchandizes, and in consequence thereof the assembly of this state enacted a law for that purpose, entituled "An Act for regulating the prices of the several articles herein mentioned for a limited time," but as the neighbouring states have not all complied with the aforesaid recommendation, it is now judged expedient to repeal the same.

SECT. 2. And whereas it was represented to this house by congress, that the armies of the united states were at one time reduced to a difficulty in obtaining provisions for their support, to remedy which a law was enacted, intituled "An Act for the better supply of the army of the united states of America," and a supplement thereto, intituled "A supplement to the act, intituled An act for the better supply of the armies of the united states."

SECT. 3. And whereas the necessity of the said act and supplement is in a great measure removed.

SECT. 4. Therefore, Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said act, intituled "An Act for regulating the prices of the several articles herein mentioned," and so much of an act, intituled "An Act for the better supply of the armies of the united states of America," and the supplement intituled "A supplement to the act intituled, An act for the better supply of the armies of the united states," as relates to the prices of the articles therein mentioned, and for the taking and seizing of any of the things described in the said acts and supplement, are hereby declared to be repealed and made null and void to all intents and purposes.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday, the  
9th day of September, in the year 1778.*

*JOHN MORRIS, junior, clerk of the general assembly.*

CHAP-

## CHAPTER LXXVIII.

1778.

*A supplement to the act, intitled, "An Act for the further security of the government."*

The second Year  
of the Common-  
wealth.

SECTION I. WHEREAS divers citizens of this commonwealth in the service of the

united states of America or of this state, as officers, soldiers or sailors have been made prisoners of war by the enemy, and detained in captivity, or enlarged upon parole, on or before the first day of June last; and some of them still so remain, whereby they have been deprived of an opportunity to take and subscribe the oath or affirmation, mentioned and appointed to be taken in the act of assembly intitled "*An Act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned,*" on or before the first day of June last, agreeable to the directions of the act of assembly, intitled "*An Act for the further security of the government,*" whereby they have incurred, and are liable to all the disabilities, incapacities and penalties enumerated and described in said acts, and in the supplement to the former act of the twelfth day of October last; all which disabilities and incapacities by the said act, to which this is a supplement, are to continue for and during their respective lives. For the relief of such citizens,

SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That every such person, who hath before the publication of this act taken and subscribed the oath or affirmation aforesaid, or who shall take and subscribe the same within three months after the publication of this act, or after he shall be exchanged or discharged from parole, or after he shall return into this state, shall receive a certificate thereof from the justice of peace before whom he hath taken and subscribed the same; in which certificate shall also be inserted the time of the said person's being made a prisoner, of his exchange, liberation or discharge from parole, and of his returning into this state, agreeable to the evidence such justice shall receive: And the said certificate shall be registered and recorded in like manner with other certificates; and shall indemnify the person obtaining the same of and from all disabilities, incapacities and penalties which he might have incurred or been liable to by having neglected to take such oath or affirmation on or before the first day of June last; any thing in this or any other act of assembly to the contrary notwithstanding.

Prisoners  
exchanged  
who take  
the oath,  
&c. in three  
months,  
shall be in-  
demnified.

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of the Commonwealth.*

**SECT. 3.** *And whereas by a clause in the act, intitled, "An Act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned," it is provided and declared among other things, that delegates in congress are not within the intent and meaning of that act; which exemption, so far as relates to the delegates in congress nominated and appointed by the general assembly of this state, appears to be improper,*

**Delegates  
of this state  
shall take  
the oath,  
&c.**

**SECT. 4.** *Be it therefore enacted by the authority aforesaid,* That from and after the publication of this act, no person or persons may or shall be elected, as a delegate in congress for this commonwealth, who hath not previously taken the oath or affirmation aforesaid; and that every of the present delegates in congress for this commonwealth, who, not having already taken and subscribed the said oath or affirmation, shall neglect to take and subscribe the same on or before the tenth day of October next, shall be and they are hereby declared to be liable to all and singular the disabilities, incapacities and penalties which any other persons are made liable to by law, for such neglect on or before the first day of June last.

**Persons not  
having tak-  
en the oath,  
&c. shall  
not vote.**

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That from and after the publication of this act, no person or persons shall be permitted to vote at the general or any other election, within any of the counties of this state, for any officer or person whatsoever, without producing a certificate, shewing, that he hath taken and subscribed the oath or affirmation aforesaid, on or before the first day of June last; or a certificate obtained by virtue of this act; if thereunto required by any one of the judges, inspectors, or persons authorised to hold such election, or by any two legal electors then and there present, and if any such vote shall be received, the judges, inspectors or other person or persons qualified to hold such election, shall for every such offence forfeit and pay the sum of one hundred pounds; one moiety thereof to the use of the state, and the other moiety to the person who shall sue for the same, to be recovered with costs of suit in any court of common pleas within this state, by action of debt, wherein no escheat, protection or wager of law, not more than one imparlance shall be allowed.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday  
the 10th day of September, in the year 1778.*

*JOHN MORRIS, junior, clerk of the general assembly.*

CHAP-

## CHAPTER LXXIX.

1778.

*A further supplement to the act, intitled, "An Act for the regulation of waggons, carriages and pack horses for the public service."*

*The second Year  
of the Commonwealth.*

Passed September 10th, 1778. Recorded in Law Book Vol. I. Page 218, &c.  
Repealed.

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## CHAPTER LXXX.

*An ACT for regulating navigation and trade in this state.*

SECTION 1. WHEREAS the navigation of this and Preamble.

the other united states of America, has been heretofore carried on under acts of the British parliament, regulating the trade of the plantations, until by some resolves of the said states made in congress and the declaration of their independence and an act of assembly intitled, "*An Act to revive and put in force,*" &c. passed the twenty eighth day of January, one thousand seven hundred and seventy seven, whereby the authority of Great Britain and all the said acts of parliament have been vacated and superseded within the territories of the said states.

SECT. 2. And it is of great importance to this commonwealth, that the trade and navigation in her ports and harbours, and the importation and exportation of all goods, wares and merchandises in and out of the same, should be regulated and ascertained in this state by law. Therefore,

SECT. 3. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the master of any ship or other vessel, except ships or vessels of war, privateers and their prizes, arriving in any port of this state, shall within forty eight hours after such arrival, repair to the naval office in the city of Philadelphia, and there exhibit and deliver to the naval officer of this state, a true manifest signed by the said master, of all the goods, wares and merchandise laden and imported in such ship or vessel, setting forth the packages, marks and numbers thereof, and the nature and quantity of their contents in number, weight and measure as they are commonly counted, estimated and sold, and also his own name and surname, the name and burthen of his ship or vessel, the names and abodes of the owner or owners thereof, and the country, port or place where the cargo

Masters of vessels shall enter at the naval office and make report within 48 hours.

was

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of the Commonwealth.**Masters of  
vessels out-  
ward bound  
shall make  
report,**manifests to  
be in words  
at length.**Master's  
oath.**Masters to  
give bond  
not to land  
the cargo in  
British do-  
minions.*

was shipped, together with such documents as are usually furnished in such place of lading to masters of vessels sailing from thence with goods, wares and merchandise.

*SECT. 4. And be it further enacted by the authority aforesaid, That the master of any ship or other vessel to be laden at any port or place within this state, except ships or vessels of war and privateers taking in necessary stores and provisions, shall first make his report to the naval officer of the intended voyage, of his vessel and of the goods, wares and merchandise intended to be shipped and exported, and shall obtain the said officer's permit for that purpose; and before such ship or vessel shall proceed or sail, the said master shall exhibit and deliver at the aforesaid naval office a fair and true manifest of his outward cargo, signed by him in manner and form as the manifests and declarations of importers of goods into this state are by this act directed to be made out and stated. And it is hereby provided and enacted, that in the manifest as well of cargoes imported as of cargoes shipped off and outward bound, the number, weights and measure of the particulars of said cargoes shall be expressed in words at full length, and not in figures only. And the said naval officer being satisfied as to the truth and fairness of the manifest or declaration, shall administer an oath or affirmation to the masters of vessels coming in and going out of the ports or places of this state, in substance as followeth, to wit, That the \_\_\_\_\_ called \_\_\_\_\_ now at anchor in the port of \_\_\_\_\_ and her cargo is the property of the person or persons in his manifest named; and that no enemy or subject of an enemy to this or any of the united states of America is the owner or proprietor of the said \_\_\_\_\_ or her cargo, or has any interest or concern of property in either the said \_\_\_\_\_ or her cargo, or any part or share of either of them, to his knowledge and belief: And that the goods, wares and merchandise now on board the said \_\_\_\_\_ are in number, quantity and quality the same as in his said manifest specified and declared to be, to the best of his knowledge.*

*SECT. 5. And be it further enacted by the authority aforesaid, That during the continuance of the present war between the united states of America and Great Britain, the master of any vessel sailing from any port or place of this state shall at the said naval office give bond to the president or vice president of the supreme executive council, with two sufficient sureties, residents in this state, in at least double the value of his cargo, with condition that the*

the same cargo shall be landed and delivered at some place or port not under the dominion of the king of Great Britain, except Bermuda and the Bahama islands; and that he the said master shall within the space of eighteen months from the date of such bond, produce and deliver to the said naval officer a certificate from the officer of any port in the dominions of the united states of America, or if his cargo be landed out of the said dominions then from two creditable merchants resident in the place where he has landed the same, that the goods and merchandise mentioned in his clearance or cocket, were actually landed at the place where such certificate was given.

*SECT. 6. And be it further enacted by the authority aforesaid,* That during the continuance of the present war between the united states of America and Great Britain, no goods, wares and merchandise of the growth, produce or manufactory of Great Britain, nor any of her dominions, except Bermuda and the Bahama islands, other than goods taken as prize properly certified to be such, shall be imported by land or water into this state, nor shall any goods, wares and merchandise of the growth, produce or manufactory of East India or any other country not belonging to Great Britain, be imported from Great Britain or any of her dominions, except salt from Bermuda and the Bahama islands into this state, on pain of confiscation of all such goods, wares and merchandise, one half thereof to the use of the informer, and the other half to the use of this commonwealth, to be recovered either by seizure of such goods in the nature of an attachment and a prosecution *in rem*, or else by an action of debt against the importer, for the value of such goods, wares and merchandise, in any court of record in this state. Provided always, that such action or prosecution shall be brought and commenced within six months from the time the cause has arisen.

*SECT. 7. And be it further enacted by the authority aforesaid,* That in order to enable the owner of any ship or vessel to navigate the same under the protection of the united states of America and this state, and to claim the same as the property of a subject of this state, either within the same or elsewhere, and to detect frauds and abuses which may be attempted to cover the ships of an enemy, all the ships and vessels of and belonging to any subject of this state shall be registered with the said naval officer, when such ship or vessel shall be built or first brought into any port of the same, and before the next departure of such ship or vessel, for which purpose one or more of the owners thereof shall certify on oath or affirmation to the

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of the Common-  
wealth.No British  
goods to be  
imported,  
except  
prize goods.

Penalty.

All vessels  
shall be re-  
gistered.

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of the Common-  
wealth,*

said naval officer, the name, burthen, shape and kind of such ship or vessel, together with the name of the master, the place of construction and age of such ship or vessel, and the name or names of the owner or owners thereof, their occupations and abodes, and the parts and shares they respectively hold in the same, and the said naval officer shall enter and register such ship or vessel in a book to be provided for that purpose, and furnish to the said owners or any other persons who shall require it an attested copy of such register.

Masters ne-  
glecting to  
exhibit a  
manifest,  
shall forfeit  
100L.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if the master of any ship or vessel arriving in any port of this state, or proceeding on a voyage from any port or place within the same, shall neglect to exhibit and deliver to the naval officer of this state such manifest as is herein before required to be made, the master so neglecting as aforesaid shall forfeit and pay to the naval officer the sum of one hundred pounds for every such neglect: Moreover he shall recompence and pay the said naval officer or other person any reasonable charge and expence he may be at in searching such ship or vessel, in order to discover any illicit practice in the import or export of any goods, wares or merchandises during three days, in which space of time such search may be made. And if

Goods for-  
feited.

any goods, wares or merchandises shall be landed in this state from any ship or vessel so arriving as aforesaid, or shall be found in such ship or vessel, and not reported in the manifest thereof, all such goods, wares and merchandise shall be forfeited and seized by the said naval officer, one half to the informer and the other half to the use of this state.

Proviso.

SECT. 9. *Provided always,* That all vessels employed in transporting fuel, hay, stone or any produce or manufactory of this state, or the other united states, plying within the bay or river Delaware, shall not be included in the regulations aforesaid.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the 10th day of September, in the year 1778.*

JOHN MORRIS, junior, clerk of the general assembly.

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### C H A P T E R LXXXI.

*A further supplement to the act, intitled, "An Act to prevent forestalling and regrating, and to encourage fair dealing.*

Passed September 10th, 1778. Recorded in Law Book Vol. I. Page 222, &c.  
Repealed March 22d, 1780.

LAW S

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of the Commonwealth.

## LAW S

Enacted in the first sitting of the third general assembly of the commonwealth of *Pennsylvania*, which was held at *Philadelphia*, on *Monday*, the 26th day of *October*, A. D. 1778.

## C H A P T E R LXXXII.

*An ACT to prohibit the exportation of provisions from the state of Pennsylvania, for a limited time.*

Passed November 17th, 1778. Recorded in Law Book Vol. I. Page 218, &c.  
Expired.

## C H A P T E R LXXXIII.

*An ACT for the repeal of so much of the act of assembly, intitled, "An Act for the attainder of divers traitors if they render not themselves by a certain day, and for vesting their estates in this commonwealth, and for more effectually discovering the same, and for ascertaining and satisfying the lawful claims thereupon," as relates to Reynold Keen, in the said act named.*

SECTION I. WHEREAS it is set forth in the preamble, that he the said Reynold Keen from his situation in the city of Philadelphia, and in the power of the enemy, was unable to render himself to some one justice of the supreme court or of the justices of the peace of one of the counties within this state, on or before the day limited and appointed in the said act.

SECT.

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of the Common-  
wealth.**So much of  
the act of  
attainder as  
respects  
Reynold  
Keen, re-  
pealed.**Proviso.  
The repeal  
to extend  
only to the  
person of  
said Keen.**Proviso,  
That he  
surrender  
himself on  
or before  
the 1st Dec.*

SECT. 2. *And whereas the said Reynold Keen hath prayed that he may be permitted to have a public and legal trial for every offence he may be charged with: Therefore, for giving relief in the premises,*

SECT. 3. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That so much of the said act as attaints the said Reynold Keen of high treason be, and the same is hereby declared to be, repealed, annulled and made void.*

SECT. 4. *Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend or be construed to extend to repeal or alter any part of the said law, only with regard to the person of the said Reynold Keen.*

SECT. 5. *Provided always nevertheless, That the said Reynold Keen shall render himself to some one of the justices of the supreme court, on or before the first day of December next, and also abide his legal trial for any treason or misprision of treason, that he is, has been, or may be charged with.*

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the 26th day of November, in the year 1778.*  
 JOHN MORRIS, junior, clerk of the general assembly. §

## CHAPTER LXXXIV.

*An ACT to prohibit for a limited time, the making of whisky and other spirits from wheat, rye or any other sort of grain, or from any meal or flour.*

Passed November 27th, 1778. Recorded in Law Book Vol. I. Page 224, &c.  
 Expired.

## CHAPTER LXXXV.

*An ACT for the relief of Albertson Walton, otherwise called Albinson Walton.*

Preamble.

SECTION. I. WHEREAS Albertson Walton, of the township of Biberry, in the county of Philadelphia, in the state of Pennsylvania, yeoman, was by a certain proclamation of the honourable the supreme executive council of this state summoned by the name of Albinson

binson Walton, late of the township of Biberry, husbandman, to render himself to some or one of the justices of the supreme court, or of the peace, on or before the twenty fifth day of June last, in order to abide his legal trial for any treasons, or misprisions of treasons, which might be charged against him.

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SECT. 2. *And whereas* it is set forth and alledged by the said Albertson Walton, That during the whole space of time between the said eighth day of May and the said twenty fifth day of June he was in the power of the enemy, and that, though he endeavoured, yet he was not able to escape from them.

SECT. 3. *And whereas* the said Albertson Walton hath humbly besought this house to be admitted to a legal trial for any treasons or misprisions of treasons by him said to be committed, before he suffers the pains, penalties, and forfeitures incurred by not rendering himself according to the terms of the said proclamation. Therefore,

SECT. 4. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That if the said Albinson Walton, otherwise called Albertson Walton, shall, on or before the fifteenth day of December next, render himself to some or one of the justices of the supreme court, or of the justices of the peace of one of the counties within this state, and also abide his legal trial for all treasons and misprisions of treasons which may be charged or alledged against him, that then, upon the certificate of the said justice or justices that he hath so rendered himself, given security for his appearance and abiding the judgment of the court, or been committed to the goal of the county, either for want of sureties or because the nature of the offence was not bailable in the opinion of the said justice or justices; and if the said certificate shall be recorded in the office of the master of the rolls for this state, or of the recorder of deeds for the city or county where such justice or justices shall reside; that then and in that case, and whensoever such render shall be made and certificate granted and inrolled or recorded as aforesaid, all and every the attainer or attainders, conviction or convictions, forfeitures and confiscations of estates real and personal which may have happened or incurred to the said Albinson Walton, otherwise called Albertson Walton, for or by reason of his not having rendered himself according to the said proclamation, shall be from thence forward null, void and of no force or effect whatsoever; any thing in the said proclamation or the act of assembly, in-

If Albertson Walton shall sue ren-  
der himself to some jus-  
tice, &c. on or before  
the 15th of December,  
and abide his legal  
trial,

and record  
the certi-  
cate of such  
surrender;  
then his att-  
ainer, &c.  
shall be null  
and void.

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 wealth.  
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tituled, "An Act for the attainder of divers traitors, if they render not themselves by a certain day, and for vesting their estates in this commonwealth, and for effectually discovering the same, and for ascertaining and satisfying the lawful debts and claims thereupon," to the contrary in any wise notwithstanding.

Proviso. SECT. 5. *Provided always nevertheless,* That nothing in this act contained shall be construed to extend to exempting the said Albinson Walton, otherwise called Albertson Walton, from suffering any punishment or forfeiture, or paying any penalty for any treason or misprision of treason of which he shall be convicted upon a trial by jury, and sentenced by the judgment of court.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the 27th day of November, in the year of our Lord 1778.*  
 JOHN MORRIS, junior, clerk of the general assembly.

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### C H A P T E R LXXXVI.

*An ACT to continue as well an act of general assembly of this state, intituled, "An Act for the regulation of waggones, carriages and pack horses for the public service," as the supplement and the further supplement to the said act.*

Passed November 30th, 1778. Recorded in Law Book Vol. I. Page 227, &c.  
 Expired.

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### C H A P T E R LXXXVII.

*A further supplement to the act, intituled, "An Act for the further security of the government."*

Preamble. SECTION 1. WHEREAS every government hath an inherent and unquestionable right to exact a test of allegiance from all persons within it, at such time, and in such manner as the preservation and safety of the state shall require.

SECT. 2. And whereas in conformity to this acknowledged principle of government the general assembly of this state hath enacted sundry laws, by which all the male white inhabitants of this state (except certain persons therein excepted and described) should, on or before the first day of June

June last take and subscribe the oath or affirmation of allegiance directed by an act of general assembly of this commonwealth, passed on the thirteenth of June, in the year one thousand seven hundred and seventy seven.

**SECT. 3.** *And whereas* divers faithful subjects of this state, and well affected to the liberty and independence thereof, from sickness, absence, want of information and other unavoidable causes, have omitted to take the said oath within the limited times, and are thereby become subject to the disabilities and penalties therein imposed.

**SECT. 4.** *And whereas* no sufficient security is provided in the said laws to prevent persons disaffected to the independence of this state from being elected into office, and doubts have also arisen on the construction of the said acts, which render it necessary to amend and explain the same.

**SECT. 5.** *Be it therefore enacted, and it is hereby enacted,* by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all and every the male white inhabitants above the age of eighteen years who have taken the oath or affirmation of allegiance as prescribed by law on or before the first day of June last, or who being then out of this state, and who were within the exceptions of said act for the further security of government, and had not an opportunity of taking the said affirmation on or before the said first day of June, but have since taken the same oath as directed by the said act, and have not thereafter taken any oath or affirmation of allegiance to the king of Great Britain, shall have and are hereby declared to have all the privileges of a free citizen of this state.

**SECT. 6.** *Provided,* That nothing in this act contained shall extend to remove any of the incapacities which minors are by law subjected to.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That every person who hath taken and subscribed the said oath or affirmation since the first day of June last, and shall at any time after the publication of this act also take and subscribe in the county where he resides, before one of the commissioners herein after appointed, the following oath or affirmation of allegiance, shall be, and is hereby declared to be, a free citizen of this state, and entitled to all and every the privileges thereof.

All persons having taken the oath of allegiance on or before (being within the exceptions) the first of June last, are declared to be free citizens of this state.

“ I, A. B. do solemnly and sincerely declare and swear, “ or affirm, that the state of Pennsylvania is, and of right “ ought to be, a free, sovereign and independent state. “ And I do forever renounce and refuse all allegiance, “ subjection

oath or af- firmation.

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" subjection and obedience to the king or crown of Great Britain. And I do further swear (or solemnly, sincerely and truly declare and affirm) that I never have since the declaration of independence, directly or indirectly aided, assisted, abetted or in any wise countenanced the king of Great Britain, his generals, fleets or armies, or their adherents in their claims upon these united states. And that I have ever since the declaration of the independence thereof demeaned myself as a faithful citizen and subject of this or some one of the united states. And that I will at all times maintain and support the freedom, and sovereignty and independence thereof."

All present  
and future  
officers of  
this state to  
take the  
said oath,  
*&c.*

*SECT. 8. And be it further enacted by the authority aforesaid,* That every person now in office or place of trust under this government shall on or before the first day of April next, and every person hereafter appointed or elected into any office or place of trust under this government whatsoever, shall before he enters upon the execution or duties thereof, make and subscribe before the said commissioners, or one of them, the aforesaid oath or affirmation.

Persons not  
having tak-  
en the oath,  
*&c.* before  
the 1st June,  
and shall not  
take this  
oath, and  
not except-  
ed, shall not  
elect or be  
elected, or  
serve on ju-  
ries.

All other  
penalties  
removed.

*SECT. 9. And be it further enacted by the authority aforesaid,* That every person who hath not taken the oath or affirmation directed to be taken by the said laws, on or before the said first day of June last (except the persons before excepted) and who shall refuse or neglect to take and subscribe the oath or affirmation of allegiance herein prescribed, shall be and is hereby declared to be excluded from and incapable of electing or being elected into, or holding any office or place of trust under this government, and of serving on juries during the time of such neglect or refusal; but that all other penalties, incapacities and disabilities imposed by any former acts of assembly shall from henceforth cease and determine.

*SECT. 10. Provided always,* That nothing in this act contained shall extend to discharge any person who has incurred a forfeiture of double taxes from the payment thereof in such assessments as have been made, or which shall be made by virtue of the laws of this state heretofore passed.

*SECT. 11. Be it further enacted by the authority aforesaid,* That all and every person or persons who having taken the oath or affirmation of allegiance to this state before the first day of June last, and have since taken the oath or affirmation of allegiance to the king of Great Britain, shall be in like manner excluded from and incapable of electing

electing or being elected into or of holding any office or place of trust under this government until they shall take the oath herein prescribed.

SECT. 12. *And be it further enacted by the authority aforesaid,* That all persons, removing into this state from other states and bringing with them authentic certificates of their having duly taken the oath or affirmation of allegiance to the state from which they have removed, shall be entitled to all the privileges of free citizens of this state, upon taking and subscribing the oath or affirmation herein prescribed: And all strangers from beyond seas, if otherwise qualified, pursuant to the constitution of this state, shall be entitled to the privileges of freemen upon their respectively taking the oath or affirmation prescribed by the said act of assembly, passed the thirteenth of June, one thousand seven hundred and seventy seven.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the following persons and each of them be, and they are hereby appointed commissioners within the city of Philadelphia and within the several counties of the state for administering the oath or affirmation of allegiance herein prescribed, viz. James Young, Plunket Fleeson, John Ord and Isaac Howell, esquires, for the city of Philadelphia; John Moor, Jonathan B. Smith, David Knox, Seth Quee and John Richards, esquires, for the county of Philadelphia; Henry Wynkoop, Thomas Dyer and Thomas Lang, for the county of Bucks; Persivor Frazer, John Kinkead and John Baton, for the county of Chester; Thomas Whitesides, John Whitehill, Robert Craig, Robert Elder, John Thome and Christopher Marshal, senior, for the county of Lancaster; Richard M'Alister, David Watson, William Bailey, William Smith, Robert Stevenson and William M'Clean, esquires, for the county of York; James Oliver, John Agnew, Samuel M'Cune, Archibald Erwin, Samuel Royer, Robert Peebles, David Elder, David M'Clure, Samuel Lyons and William Brown, esquires, for the county of Cumberland; Henry Christ, John Patton, Richard Tea, colonel Jonathan Jones, Samuel Ely and Nicholas Jones, esquires, for the county of Berks; John Chambers, John Arndt, William M'Nair, Jacob Morey, Jacob Horner and Matthias Probst, esquires, for the county of Northampton; David Espy, Abraham Cable, Benjamin Elliot and Robert Scott, esquires, for the county of Bedford; Wilton Atkinson, William Shaw, Andrew Culbertson and Samuel Allen, esquires, for the county of Northumberland; Edward Cook, Charles Foreman, James Barr and George Reading, esquires, for the county of

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of the Common-  
wealth.

sworn alle-  
giance to  
the king of  
Great Bri-  
tain.

Strangers  
from other  
states com-  
ing into  
this, shall  
be entitled  
to citizen-  
ship on tak-  
ing this  
oath, &c.

And stran-  
gers from  
beyond seas  
on taking  
the oath,  
&c.

Names of  
commis-  
sioners for  
administer-  
ing the  
oath, &c.

1778.

*The second Year  
of the Commonwealth.**Their duty,  
their fee,  
are to collect  
the registers, &c.**Penalty on  
refusal to  
deliver the  
registers.**Executive  
council to  
fill vacancies.**The oath,  
&c. of the  
commissioners.**They shall  
send copies  
of the re-  
gisters, be-  
fore every  
election.*

Westmoreland: Which said commissioners shall have the sole and exclusive right so to do; and which oath or affirmation shall and may be administered by any one of the said commissioners; and they shall keep fair and regular registers of all persons by them so sworn or affirmed, and deliver out certificates as by the former laws of this state the several justices of the peace were authorised to do; for each of which certificates the commissioners signing the same shall have and receive from the party the sum of seven shillings and six pence. And the said commissioners are hereby authorised and required to collect authentic copies of the several registers now made, and cause the same to be lodged in the prothonotary's office of their respective counties; and if any person possessed of any such register shall upon demand refuse to deliver an authentic copy of the same to the said commissioners, or either of them, when required so to do, he shall forfeit the sum of one hundred pounds for every such refusal, to be recovered by the said commissioners of the city or respective counties, or a majority of them, in any court of record within this commonwealth by action of debt or otherwise.

*SECT. 14. And be it further enacted by the authority aforesaid,* That in case of the death, disability or refusal of any person to act as commissioner for the purpose aforesaid, the executive council are hereby authorised and required to make a new appointment, and fill all vacancies as they may happen. And the said commissioners and every of them before they proceed in the execution of their respective offices, shall and they are hereby required to make and subscribe as well the oath or affirmation herein before prescribed, as the following oath or affirmation, before some justice of the peace of this commonwealth, viz.

“ I A. B. (do swear or affirm) That I will well and faithfully execute the office of a commissioner for administering the aforesaid oath or affirmation of fidelity and allegiance within the city of Philadelphia, or the county of \_\_\_\_\_ and that I will keep a true register of all persons who shall take the said oath or affirmation, and make true return thereof, and of the time when the same are so administered from time to time when required in due course of law,” and the said commissioners shall, and they are hereby required, to transmit to the judges of every election, within the city and every district within this commonwealth, authentic copies of said register, on the day of any election hereafter to be held, and previous to the opening of the same; and every commissioner, neglecting or refusing so to do, shall forfeit for every such offence

fence the sum of one hundred pounds, to be recovered by the prothonotary of the county in an action of debt, in any court of record within this state.

SECT. 15. *And be it further enacted by the authority aforesaid,* That any commissioner or justice of the peace, who shall be legally convicted of antedating any certificate directed to be given by this or any former law of this state, shall be from thenceforth forever excluded from holding any office or place of trust or profit whatsoever under this state: And any other person who shall be legally convicted of forging any such certificate, or altering the date thereof, shall be punished as forgers of deeds are by the common law.

SECT. 16. *And be it further enacted by the authority aforesaid,* That all fines, which shall be recovered in pursuance of this act, shall be paid to the treasurer of this state for the use of the state.

SECT. 17. *And be it further enacted by the authority aforesaid,* That so much of the act, intitled, "An Act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned," "A supplement to the act, intitled, An Act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned." "An Act for the further security of government," and another act, intitled, "A supplement to the act, intitled, An Act for the further security of the government," as are hereby altered and supplied, shall be, and are hereby repealed and declared null and void; but that all other clauses, matters and things in the said acts and supplements contained, shall be, and are hereby declared to be in full force and virtue, as fully to all intents, purposes and constructions as if the present act had not been made.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday the  
5th day of December, in the year 1778.  
JOHN MORRIS, junior, clerk of the general assembly.*

1778.  
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of the Common-  
wealth.  
Penalty for  
antedating  
or counter-  
feiting cer-  
tificates.

## CHAPTER LXXXVIII.

1778.

*The second Year  
of the Common-  
wealth.*

*An ACT to revive and continue an act, intitled, "A supplement to the act, intitled, An Act for emitting the sum of two hundred thousand pounds in bills of credit for the defence of this state, and providing a fund for sinking the same by a tax on all estates real and personal, and on all taxables within the same," and to explain An Act for raising the sum of six hundred and twenty thousand dollars for the use of the united states of America, and for other purposes therein mentioned."*

Preamble.

SECTION 1. WHEREAS the act of assembly of this state entitled *"A supplement to the act, intitled, An act for emitting the sum of two hundred thousand pounds in bills of credit for the defence of this state, and providing a fund for sinking the same by a tax on all estates real and personal, and on all taxables within the same,"* passed the thirteenth day of October, in the year of our Lord one thousand seven hundred and seventy seven, expired by its own limitation on the first day of October last.

SECT. 2. And whereas the third section of the act, intitled, *"An Act for raising the sum of six hundred and twenty thousand dollars for the use of the united states of America,"* passed the twenty seventh day of March last, directs that the sum assessed by the said act should be levied and paid on or before the first day of September (then next and) now past, whereby doubts have arisen whether, as the day is now past whereon the said money ought to have been paid, the commissioners and assessors have now power by the said act to assess and levy the quotas of the said sum yet due by the city of Philadelphia and by several of the counties of this state : For remedy whereof, and to explain the said doubts,

The sup-  
plements  
afore men-  
tioned, con-  
tinued.

SECT. 3. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said supplement and every article, clause, matter or thing therein contained (except the last clause which limits the continuance of the same) be, and the same is hereby declared to be revived, and to be and continue in full force, any thing in the said supplement contained to the contrary notwithstanding.

What re-  
mains of  
the 620,000  
dollars to  
be collect-

SECT. 4. And be it further enacted by the authority aforesaid, That the commissioners and assessors, for the time being, of the city of Philadelphia, and of such of the counties in this state respectively as have not paid their full

full quota of the said sum of six hundred and twenty thousand dollars, according to the directions of, and in the proportions laid by the said act for raising the said sum of six hundred and twenty thousand dollars, shall, and they are hereby empowered and required to assess and cause the same to be levied, collected and paid into the treasury of this state within three months from passing this act, according to the directions and under the penalties in the said act expressed.

**SECT. 5.** *And whereas in and by an act, intitled “An Act for raising the sum of six hundred and twenty thousand dollars for the use of the united states of America,”* the treasurer of this state is ordered to pay the monies received by him, by virtue of the said act, to the continental treasurer.

**SECT. 6.** *And whereas it is in contemplation to place the said monies in the continental loan office.*

**SECT. 7.** *Be it therefore enacted by the authority aforesaid,* That so much of the said act, as directs the payment of the said monies to be made into the continental treasury, shall be and is hereby repealed; and that the treasurer of this commonwealth do hold the same monies, subject to the order of the general assembly of this state. And the said act and every article, clause, matter or thing therein contained (except such parts thereof as are here in altered or supplied) shall be, and the same is hereby declared to be and continue in full force.

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of the Common-  
wealth.  
ed, to be  
paid into  
the treasury  
in three  
months.

The treasu-  
rer to keep  
in his hands  
the money  
he receives.

The act  
continued.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday  
the 5th day of December, in the year 1778.*  
JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER LXXXIX.

*A supplement to the act, intitled “An Act for settling the accounts of the late committee and council of safety.”*

Passed December 5th, 1778. Recorded in Law Book Vol. I. Page 233, &c.  
Repealed March 1st, 1780.

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of the Commonwealth.



# L A W S

Enacted in the second sitting of the third general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, on *Monday*, the first day of *February*, A. D. 1779, and continued till *Monday*, the fifth day of *April* of the same year.

## C H A P T E R X C.

*An ACT to increase the fees on tavern licences, the fines on tippling houses, and the rates of excise.*

Passed March 15th, 1779. Recorded in Law Book Vol. I. Page 234, &c.  
Repealed March 17th, 1780.

## C H A P T E R X C I .

*An ACT to empower the trustees for building a court house and prison in and for the county of Bedford, to sell a mes-  
sueage and lot of ground in the town of Bedford, purchas-  
ed by them to serve as a temporary prison, and to appro-  
priate the monies arising by such sale.*

Preamble. SECTION. I. WHEREAS the said trustees have by their petition represented to this house, that they were under the necessity immediately after the said county was erected, to provide some place to serve for a prison, till a proper house for that purpose could be built; that they therefore purchased a house and lot from James M'Cashlan, situate on the east side of the main cross street, in the town of Bedford, numbered six in

in the general plan of the said town, bounded on the west by the said street, on the south partly by the public square, and partly by lot number seven, on the east by a twenty feet alley, and on the north by lot number five, which the said James M'Cashlan by his deed poll, dated the thirteenth day of November, in the year of our Lord one thousand seven hundred and seventy one, for the consideration therein mentioned, conveyed to Arthur St. Clair, Bernard Dougherty, George Woods, and William Proctor, Esquires, and Thomas Coulter, gentleman, the trustees aforesaid, in trust for the said county; that the said trustees have since procured a more convenient lot on which they have built a court house and prison, by which the said temporary prison is become unnecessary, and praying this house would pass a law to enable them to sell the same, and to apply the money arising from the sale thereof, towards defraying the debt incurred by the said county, in purchasing the said lot and building the said court house and prison.

**SECT. 2.** *Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said Arthur St. Clair, Bernard Dougherty, George Woods, William Proctor, and Thomas Coulter, or any three of them, shall be, and they, or any three of them, are hereby enabled and impowered to grant bargain and sell the said messuage and lot of ground, with the appurtenances, as the same is above bounded and described, and to convey a lawful right and title to the same by deed indented under their hands and seals, or under the hands and seals of any three of them, to such person or persons as may purchase the same, to have and to hold the same to the proper use, benefit and behoof, of such purchaser or purchasers, his, her or their heirs and assigns, as fully and for the same estate, as the trustees aforesaid had held and enjoyed the same, and under, and subject to the same ground rent or other incumbrances; saving to all persons, their heirs, executors and administrators, bodies politic and corporate, their heirs and successors, all such right, title and interest, as they or any of them have, or may have to said messuage, lot and appurtenances, so bounded and described as aforesaid, or to any part thereof; this act, or any thing therein contained, to the contrary in any wise notwithstanding.*

**SECT. 3.** *And be it further enacted by the authority aforesaid, That the said trustees, or such and so many of them, as shall sell and convey the said messuage and lot, shall*

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The third Year  
of the Common-  
w.a'tb.

The trus-  
tees may  
sell and  
convey the  
temporary  
prison.

Applicati-  
on of the  
money.

## HIS EXCELLENCE

1779. shall apply and pay all the monies arising from such sale, (after deducting the necessary charges arising from making said sale) for and towards defraying the debt incurred by them as aforesaid.

The third Year  
of the Common-  
wealth.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, the 15th day of  
March, in the year of our Lord 1779.*  
JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER XCII.

*A supplement to the act, intituled, "An Act to prohibit, for  
" a limited time, the making of whiskey, and other spi-  
" rits, from wheat, rye, or any other sort of grain, or  
" from any meal or flour.*

Passed March 10th, 1779. Recorded in Law Book Vol. I. Page 237, &c.  
Expired.

## CHAPTER XCIII.

*An ACT to increase the fines and penalties on public officers  
for refusal or neglect of duty; and also to augment  
the fees of the several officers herein after mentioned.*

Passed March 16th, 1779. Recorded in Law Book Vol. I. Page 239, &c.  
Expired.

## CHAPTER XCIV.

*An ACT for vesting the house and lots, therein described,  
in trustees for the use of the president of the supreme ex-  
ecutive council of the state for the time being.*

Preamble. SECTION. I. WHEREAS by an act of general assembly  
of this commonwealth, intituled, "An  
Act for the attainder of divers traitors, if they render not  
themselves by a certain day, and for vesting their estates in  
this commonwealth, and for more effectually discovering the  
same, and satisfying the lawful debts and claims thereupon;  
Joseph Galloway, late of this state, is convicted and attainted  
of high treason, and all the estate, real and personal, which  
he was seized of, or entitled unto, on the fourth day of  
July,

July, one thousand seven hundred and seventy six, was, by the said act, forfeited to the state.

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of the Common-  
wealth.*

SECT. 2. *And whereas*, on the said fourth day of July, the said Joseph Galloway, was seized, *inter alia*, of a certain messuage or tenement, and lot of ground, in the city of Philadelphia, situate on the south side of High street, containing in breadth on the said High street sixty feet, and in length or depth on Sixth street one hundred and eighty feet, bounded eastward with the messuage and lot of Richard Penn, southward with Minor street, westward with Sixth street, and northward with High street aforesaid, and also of and in a certain other lot or piece of ground, situate on the south side of Minor street aforesaid, containing in breadth on the said street sixty feet, and in depth eighty six feet, bounded northward by Minor street aforesaid, eastward and southward by ground of Elizabeth Church, and westward by Sixth street aforesaid.

SECT. 3. *And whereas* it is suitable and necessary, that a proper house be provided by the public for the residence of his excellency the president of the supreme executive council of the state for the time being.

SECT. 4. *Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same* That the said messuage or tenement, and two lots or pieces of ground, with all the buildings, improvements, and appurtenances thereunto belonging, shall be and the same are hereby granted to, and vested in Plunket Fleeson, Jonathan Bayard Smith, William Henry, George Schlosser, and Isaac Howell, esquires, to have and to hold the said messuage or tenement, and lots of ground, and all and singular the appurtenances thereunto belonging, unto them, the said Plunket Fleeson, Jonathan Bayard Smith, William Henry, George Schlosser, and Isaac Howell, and the survivors and survivor of them, and to the heirs of the survivor of them forever, subject to the ground rent, and other incumbrances, under which the said Joseph Galloway held the same; yet nevertheless to the uses, intents, and purposes herein after specified and to no other use, intent, or purpose whatsoever, that is to say, to and for the use of the president of the supreme executive council of this state for the time being, and to and for such other uses, intents, and purposes, as the general assembly of this commonwealth shall hereafter direct and appoint, and on this further trust and confidence, that they the said trustees, and the survivors and survivor of them, and the heirs of

*The man-  
sion on house  
and lots  
lately occu-  
pied by Jo-  
seph Gal-  
loway, vest-  
ed in trus-  
tees for the  
use of the  
president.*

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of the Commonwealth.

such survivor, do and shall permit and suffer the president of the supreme executive council of the state for the time being, to have the exclusive care and management of the said house and lots, with the appurtenances, either to occupy the same, or to lease, and receive the rents, issues and profits thereof to his private use and advantage.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday the  
18th day of March, in the year 1779.*

JOHN MORRIS, junior, clerk of the general assembly.

### CHAPTER XCV.

*A supplement to the act, intitled, "An Act for emitting the sum of two hundred thousand pounds in bills of credit for the defence of this state, and providing a fund for sinking the same, by a tax on all estates real and personal, and on all taxables within the same;" and also to the act, intitled "An Act for raising the sum of six hundred and twenty thousand dollars for the use of the united states of America."*

Preamble. SECTION 1. WHEREAS by the devastation and destruction of private property, in sundry of the interior counties of this state, by the British army, and the frequent inroads of the savages, and others the emissaries of Great Britain upon the frontier counties, a very considerable number of the inhabitants are rendered incapable of paying their several proportions of the public taxes, as well those laid for defraying the particular expenditures of this state, as of the six hundred and twenty thousand dollars, ordered to be raised for the use of the united states.

SECT. 2. And whereas these distresses have befallen the said inhabitants, in consequence of their attachment to the common cause, and not from any particular fault of theirs: Therefore,

Taxes to be remitted or mitigated to those who have been driven off. SECT. 3. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the commissioners and assessors or a majority of them, of the city and county of Philadelphia, the counties of Chester, Cumberland, Northampton, Bedford, Northumberland, and Westmoreland, are hereby authorised to exonerate, and discharge, such of their taxable

able inhabitants, as shall make sufficient proof, or for or in behalf of whom sufficient proof shall be made to the said commissioners and assessors respectively, of their having been driven off and dispossessed of their settlements, or otherwise disabled by the enemy to pay their respective taxes, from the payment of the several sums, or such parts thereof as they shall deem just and reasonable, with which they may be or ought to have been charged, as well of the tax of five shillings in the pound imposed by an act passed the twentieth day of March, Anno Domini one thousand seven hundred and seventy seven, as of their respective quotas of the six hundred and twenty thousand dollars, directed to be raised for the use of the united states, which remission or mitigation shall only be made in favour of those, who have *bona fide* suffered by the incursions or inroads of the common enemy, and in such proportions as their several losses of property justly demand.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the commissioners and assessors, of the said city and counties respectively, shall transmit to the general assembly a list of the names of the persons so exonerated, stating the particular sums so remitted to each particular person; and that the deficiencies, which may arise in raising the quotas of the said city and counties by reason hereof, shall be paid and made good out of the state taxes, which shall be levied and raised hereafter.

SECT. 5. *And be it further enacted by the authority aforesaid,* That so much of the said acts to which this is a supplement, as is herein altered, supplied, or amended, is hereby repealed and declared null and void.

Lists to be  
returned to  
the assem-  
bly.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Saturday, the  
20th day of March, in the year of our Lord 1779.  
JOHN MORRIS, junior, clerk of the general assembly. §

## CHAPTER XCVI.

*An ACT to ascertain the number of taxable inhabitants within the city of Philadelphia, and within each of the counties of this commonwealth,*

SECTION I. WHEREAS it is declared, in and by Preamble, the seventeenth section of the constitution of this commonwealth, "That as representation in proportion

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*The third Year  
of the Commonwealth.*

"proportion to the number of taxable inhabitants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land; therefore the general assembly shall cause complete lists of the taxable inhabitants, in the city, and each county in the commonwealth respectively, to be taken and returned to them on or before the last meeting of the assembly, elected in the year one thousand seven hundred and seventy eight."

In pursuance, therefore, of the said direction of the constitution,

*The county commissioners shall make out lists of all taxable inhabitants, and return them to the assembly.*

SECT. 2. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the commissioners of the city of Philadelphia, and of each county within this commonwealth, shall, and they are hereby enjoined and required to meet at such convenient time and place as they may appoint, and shall make out a true and exact list of all and every of the taxable inhabitants, in each township, ward, or district in the said city, and each of the said counties, according to the return next before the time of the said meeting to them made by the assistant assessors of the townships, wards, or districts of the said city, and of each of the said respective counties; and shall certify the number and names of the said taxable inhabitants within the said city and counties respectively, under their hands and seals, or under the hands and seals of any two of them for the said city, and for each county; and shall deliver, or cause to be delivered, the said lists to the general assembly at or before the expiration of ten days after the beginning of the next sitting of the said assembly: And in order to prevent any undue practices in making out the said returns and certificates, the said commissioners, or so many of them as shall certify the said returns, shall, before some justice of the peace of the proper county, make oath or affirmation, (which such justice is hereby required and empowered to administer and certify under his hand and seal, underneath each of the said certificates) that the list of taxable inhabitants, by them made out, is just and true according to the best of their knowledge and belief.*

*People driven off, how to be considered.*

SECT. 3. *And be it further enacted by the authority aforesaid, That all taxable inhabitants, who have removed from the county they resided in, on account of the incursions of the Indians, shall be returned and considered as inhabitants of the county from whence they have so removed,*

moved, and not as inhabitants of the county where they now reside.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any of the said commissioners shall neglect or refuse to make out the said lists as aforesaid, or shall neglect or refuse to deliver or cause the same to be delivered as aforesaid, each and every commissioner so neglecting or refusing shall for every such offence forfeit and pay the sum of five hundred pounds for the use of this state.

1779.

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of the Common-  
wealth.Penalty on  
the com-  
missioners.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the*

*29th day of March, in the year 1779.*

*JOHN MORRIS, junior, clerk of the general assembly.*

## CHAPTER XCVII.

*A supplement to an act, intitled, "An Act for the attainder  
" of divers traitors if they render not themselves by  
" a certain day, and for vesting their estates in this com-  
" monwealth, and for more effectually discovering the  
" fame, and for ascertaining and satisfying the lawful  
" debts and claims thereupon."*

SECTION 1. WHEREAS in and by the act above mentioned; passed at Lancaster the sixth day of March, in the year of our Lord one thousand seven hundred and seventy eight, it is enacted that the president or vice president and council may and shall, within twelve months after the claims and debts upon the estates therein described shall be respectively adjudged, or in case there shall be no debts, sell or cause the said estates to be sold by auction to the best and highest bidder.

SECT. 2. And whereas it is highly necessary and expedient to compel an exhibition of such debts or demands in a reasonable time, and prevent further waste and spoil of the said estates, and to make seasonable provision for the defence of the state, and the contingent charges thereof, that the said estates both real and personal should be sold without further delay, and the monies thence arising carried into the public treasury for the purposes aforesaid.

SECT. 3. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the president or vice president and coun-

The council  
to sell the  
estates of  
traitors at  
public auc-  
tion.

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1779.

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of the Common-  
wealth.

cil may and shall, with all convenient speed, sell or cause to be sold by public auction to the best and highest bidder, all and every the estates of traitors duly forfeited to this commonwealth by virtue of the act to which this is a supplement, or by virtue of any judgment of any court of law within this state, and cause the monies arising from such sales to be paid into the public treasury of this commonwealth, in manner herein after directed, any thing in the said act to the contrary notwithstanding, (except that part of the estate of Joseph Galloway which is appropriated by an act, intitled, "*An Act for vesting the house and lots "therein described in trustees for the use of the president of the "supreme executive council of the state for the time being.*")

**Claim on  
the said es-  
tates to be  
made with-  
in six  
months.**

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That whenever such intended sales shall be advertised, public notice shall also be given that the creditors of the said traitors, and all claimants upon the said respective estates, exhibit their several claims and demands to the justices of the supreme court for payment or satisfaction, as is by the said act directed, within six months thereafter, if residents within this state, or within twelve months, if residents in any other of the united states, or be forever barred from the recovery thereof.

**Proviso as  
to minors,  
&c.**

**SECT. 5.** *Provided always nevertheless,* That if any such creditor or claimant shall, at the time of such notice given, be within the age of twenty one years, feme covert, non compos mentis, imprisoned or beyond sea, that then such person or persons shall be at liberty to exhibit their claims or demands as other persons now may, so as the same be done within six months, if residents within this state, or if residents within any other of the united states, within twelve months after such disability is removed.

**If any at-  
tainder be  
reversed, it  
shall not af-  
fect the  
purchaser.**

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That if any process or proceedings by virtue of which any such attainer or judgment has been or may be made as aforesaid, shall hereafter be reversed or made void, for error, or for any other cause whatsoever, the same shall not affect or injure, or in any wise operate, against any bona fide purchaser under this act, but against the state only; but every such purchaser shall hold and possess the estate by him purchased, for ever exonerated and discharged, of all former claims and demands whatsoever, in law or equity (other than such as are herein after mentioned) and in every such case, the plaintiff in error or person injured by the attainer or judgment, by virtue of which any such estate shall be sold, shall apply to the legislature to be indemnified, out of the public treasury,

treasury, to the amount of the purchase money of such estate.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the agent or agents for disposing of forfeited estates, in the city of Philadelphia and each respective county, shall within three months after the sale of any such estate, real and personal, in such county, pay the sum or sums of money arising therefrom, to the treasurer of the state, after deducting all such lawful costs and charges as may accrue on the prosecution of each respective traitor, and on the sale of each respective estate; and the receipt of the said treasurer shall be a sufficient discharge to such agents, their executors and administrators, for the monies by them paid; and if any of the said agents shall neglect or refuse to pay the said monies or any part thereof as aforesaid, such agent or agents so neglecting or refusing shall forfeit and pay double such sum or sums, which he or they shall so neglect or refuse to pay as aforesaid, to be recovered by action of debt, case or account render, as the case may require, in the name and for the use of the commonwealth of Pennsylvania.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall extend or be construed to extend, so as to debar or prevent any person or persons, or bodies politic or corporate, other than such as claim under any attainted or convicted traitor, from pursuing his; her or their action or actions, suit or suits, in any of the courts of record in this state, in the usual way for the trial of his, her, or their title to any of the lands or to the possession of any of the lands or other real estate, seized as the estate of any such traitor.

**SECT. 9:** *Provided always nevertheless,* That if any person or persons, who shall purchase any real estate seized and sold as the estate of any convicted or attainted traitor, shall be evicted or shall be dispossessed of the same, by the judgment of any court of common pleas, or of the supreme court of this state, given in any ejectment which shall be brought by any person or persons, having a lawful title thereunto at the time of the said sale or afterwards, by remainder or reversion against such purchaser, his heirs or assigns, his or their tenants, within twenty years after the same shall be sold, by virtue of this act; every person so evicted, his heirs and assigns shall be paid the value of such estate at the time of such eviction out of the treasury of this commonwealth.

1779.  
The third Year  
of the Common-  
wealth.

The agents  
for forfeit-  
ed estates  
shall pay in  
the monies  
within  
three  
months af-  
ter the sale.

This act no  
bar to per-  
sons claim-  
ing title pa-  
ramount.

Purchasers  
evicted on  
ejectment,  
shall be re-  
paid.

**SECT. 10.** *And be it further enacted by the authority aforesaid*

1779.

The third Year  
of the Common-  
wealth.The justices  
are to direct  
issues to be  
tried by ju-  
ries, when  
requested.Commissi-  
ons to the  
agents for  
forfeited  
estates.The fees to  
be as in o-  
ther cases  
in the su-  
preme  
court.Judges to  
be allowed  
reasonable  
expences.Judges sala-  
ries to be  
paid on  
their own  
order.

*aforesaid.* That where any claims or demands have heretofore been made, and where any claims or demands shall hereafter be made on any of the estate of any traitor, in pursuance of the act to which this is a supplement, if the party or parties making such claim or demand, his, her or their agent or agents, attorney or attorneys, shall request the same, the said justices shall direct proper issues to be joined and shall cause and direct a jury to be summoned for the trial of such issues, and such proceedings shall thereupon be had as is usual and according to the course of law; and the said court on the finding of such jury shall pronounce judgment and award process agreeable to the practice in other cases: Provided such claim or demand amount to five pounds or more.

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That the agent or agents in the city of Philadelphia, and in each of the respective counties, shall over and above their necessary expences, have and receive as a compensation, for his or their trouble in attending the management and disposal of each estate, at the rate of one per centum, if the money for which such estate shall be sold shall not exceed one thousand pounds; and at the rate of three fourths of one per centum, if it shall exceed one thousand pounds, and not exceed five thousand pounds, and at the rate of one half per centum, if the amount of said sales shall exceed five thousand pounds.

**SECT. 12.** *And be it further enacted by the authority aforesaid,* That the fees and allowances of the prothonotary of the supreme court, auditors, jurors, and witnesses, for all services done by them respectively in pursuance of the act to which this is a supplement, or of this act, shall be the same as the fees and allowances of the said prothonotary, auditors, jurors, and witnesses for like services by them done and performed in the supreme court in other cases: And that the judges of the supreme court shall be allowed their reasonable expences, while they shall be employed in performing the extra services required to be performed by them, by the act to which this is a supplement, or by this act, and their accounts for the same to be liquidated by the committee of accounts appointed by the general assembly for the time being, and draughts for the same on the treasurer of this state shall be signed by the speaker of the said general assembly.

**SECT. 13.** *And be it further enacted by the authority aforesaid,* That the salaries allowed, or to be allowed to the judges of the supreme court, shall from time to time be

be paid to them by the treasurer of this state, on their own orders by equal quarterly payments.

SECT. 14. *And be it further enacted by the authority aforesaid,* That so much of the said recited act, to which this is a supplement as herein altered or amended, is hereby declared to be repealed and of no further force or effect.

1779.  
The third Year  
of the Commonwealth.  
Repeal.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
29th day of March, in the year 1779.*  
JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER XCVIII.

*An ACT for the suppression of vice and immorality.*

SECTION 1. WHEREAS sufficient provision hath Preamble. not hitherto been made by law for the due observation of the Lord's day, commonly called Sunday, and the preventing of profane swearing, cursing, drunkenness, cock fighting, bullet playing, horse racing, shooting matches, and the playing or gaming for money or other valuable things, fighting of duels, and such evil practices; which tend greatly to debauch the minds and corrupt the morals of the subjects of this commonwealth. For remedy whereof,

SECT. 2. *Be it enacted, and it is hereby enacted, by the Persons representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That if any person shall do any kind of work of his or her ordinary calling, or follow or do any worldly employment or business whatsoever, on the Lord's day, commonly called Sunday (works of necessity and mercy only excepted) or shall use or practise any game, play, sport or diversion whatsoever on the said day, and be convicted thereof before any justice of the peace, each and every person so offending, shall for every such offence be fined the sum of three pounds, to be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of the said justice; or in case the offender shall have none, he or she shall be committed to the common goal or work house of the county, there to remain without bail or mainprise for the term of ten days.

working,  
~~Es~~. on Sun-  
days, to be  
fined three  
pounds, or  
committed:

1779.

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of the Commonwealth.Proviso.

Persons  
swearing or  
cursing by  
the name of  
God, &c., to  
be fined  
ten shillings  
or committ-  
ted.

Swearing  
by any o-  
ther name.

Getting  
drunk fined  
ten shillings  
or commit-  
ted.

Proviso.

**SECT. 3.** *Provided always,* That nothing in this act contained shall be construed to prohibit the dressing of victuals in private families, bake houses or houses of public entertainment, or to watermen landing their passengers on the Lord's day commonly called Sunday, nor to the selling of milk before nine of the clock in the morning or after five in the afternoon of the said day.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That if any person of the age of sixteen years or upwards, within this commonwealth, shall profanely swear or curse by the name of God, Christ, Jesus, or the Holy Ghost, in the hearing of any justice of the peace of any county, or of the burgesses or other head officer or justice of the peace of any city, borough, or town corporate, where such offence is or shall be committed, or shall be legally convicted by the testimony of one witness, or by the confession of the party offending, before any justice of the peace of the county, or burgesses or other chief officer or justice of the peace of such city, borough, or town corporate where the said offence shall be committed, that then, for every such offence, the party so offending shall forfeit and pay the sum of ten shillings, or suffer imprisonment in the goal or house of correction at hard labour for any time not exceeding five days.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That whosoever shall swear by any other name or thing, in the hearing of any justice of the peace, or is legally convicted thereof by the testimony of one witness, or by the confession of the offender, shall, for every such offence, forfeit and pay the sum of five shillings, or suffer imprisonment for any term not exceeding two days in the goal or house of correction at hard labour.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That any person or persons intoxicating or abusing him or herself with excessive drinking, being convicted thereof by one or more credible witnesses before any one justice of the peace, shall, for every such offence, forfeit and pay the sum of ten shillings, or suffer imprisonment for any term not exceeding five days in the goal or house of correction at hard labour.

**SECT. 7.** *Provided also,* That no person shall be prosecuted or molested for any offence before mentioned in this act, unless within ten days after the offence committed.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall promote or encourage any match or matches of cock fighting or bullet playing, or appear in any public or private place with a cock

a cock or cocks prepared to fight for any bet or prize; or, in like manner, assembled to play at bullets for any bet or prize; or shall enter, start, or run any horse, mare or gelding, for any bet or prize; or shall promote or be concerned in any shooting match, for any plate, prize, sum of money, or other thing of value whatsoever; or shall make, print, publish, or proclaim any advertisement or notice, of any plate, prize, sum of money, or other thing of value, for the use of cock fighting, bullet playing, horse racing, or to be shot for, by any person or persons whatsoever; he, she, or they, upon conviction thereof by indictment in any court of quarter sessions of the peace and goal delivery, to be held for the city or county where the offence is or shall be committed, shall forfeit and pay the sum of five hundred pounds.

**SECT. 9.** *And whereas* cock fighting, bullet playing, horse races, and shooting matches are frequently held, and the gaming or playing for money or other things is frequently practised and carried on at, in or near taverns or public houses.

**SECT. 10.** *Be it therefore enacted by the authority aforesaid,* That if any public housekeeper, or other retailer of strong liquors, shall promote or encourage any horse race, cock fight, bullet match, shooting match, or other such idle sport; or shall sell any wine, rum, whiskey, beer, cyder, or other strong liquors whatsoever, to any person or persons assembled or met for the purpose of attending any horse race, cock fight, bullet match, shooting match, or other idle sport; or shall permit or suffer any kind of playing or gaming for money or other valuable thing, either at cards, dice, billiards, bowls, shuffleboard, or in any other manner whatsoever to be used, practised, or carried on within his or her house, or in any place in his or her occupancy; every such public housekeeper, or retailer of strong liquors, shall for every such offence, whereof he or she shall be legally convicted upon indictment in any court of quarter sessions of the peace and goal delivery, forfeit and pay the sum of twenty pounds; and his or her licence, from and after such conviction, shall be, and is hereby declared to be absolutely null and void.

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall lose any money, or other valuable thing, at or upon any cock match, bullet match, horse race or shooting match, or at or upon any play, pastime, or game whatsoever; the person or persons who loseth, or who shall lose the said money, or other valuable thing, shall not be bound or compelled to pay or make

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of the Common-  
wealth.

Cock fight-  
ing, bullet  
playing,  
horse race-  
ing, &c.  
fined five  
hundred  
pounds.

Penalty on  
public  
housekeep-  
ers encou-  
raging such  
sports, &c.

Money won  
at play not  
recoverable

make

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of the Common-  
wealth.*

make good the same; but every contract, note, bill, bond, judgment, mortgage or other security or conveyance whatsoever, given, granted, drawn, or entered into, for security or satisfaction of or for the same, or any part thereof, shall be utterly void and of none effect.

**Money paid  
on any los-  
es at play,  
may be re-  
covered by  
the loser  
within  
three  
months.**

**SECT. 12.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall lose any money or other thing of value, at or upon any cock fight, bullet match, horse race, shooting match, or at or upon any play, pastime or game whatsoever, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty, within three months then next, to sue for and recover the money or goods so lost and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs of suit, by action of debt founded on this act, to be prosecuted in any court of record, or where the value is under five pounds, before any justice of the peace within this commonwealth; in which action or suits no escoin; protection, wager of law, or more than one imparlance shall be allowed; in which actions it shall be sufficient for the plaintiff to alledge, that the defendant or defendants are indebted to the plaintiff, or received to the plaintiff's use, the money so lost or paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him, according to the form of this act, without setting forth the especial matter.

**Penalty on  
challenges.**

**SECT. 13.** *And be it further enacted by the authority aforesaid,* That if any person within this commonwealth shall challenge the person of another to fight at sword, pistol, rapier or other dangerous weapon, such person so challenging shall forfeit and pay for every such offence (being lawfully convicted by the testimony of one or more credible witnesses, or by the confession of the party offending,) the sum of five hundred pounds, or suffer twelve months imprisonment without bail or mainprise, and the person accepting such challenge shall in like manner forfeit and pay the like sum of five hundred pounds, or suffer the like imprisonment; and moreover the said challenger, and challenged (when he accepts) shall be disabled ever after from holding any office of profit or honor within this state. And if any person or persons shall willingly and knowingly carry and deliver any written challenge, or verbally deliver any message meant as a challenge, and shall thereof be legally convicted as above, he or they so offending, shall for every such offence forfeit and pay the sum of five hundred pounds, or suffer twelve months

**Penalty on  
the bearer  
of a chal-  
lenge.**

months imprisonment, and be disabled as in the case of giving or receiving challenges.

**SECT. 14.** *And be it further enacted by the authority aforesaid,* That every person and persons whatsoever, that shall, from and after the publication of this act, erect, build, or cause to be erected or built, any play house, theatre, stage or scaffold, for acting, shewing, or exhibiting any tragedy, comedy, or tragick comedy, farce, interlude or other play, or any part of a play whatsoever, or that shall act, shew, or exhibit them, or any of them, or be in any ways concerned therein, or in selling any tickets for that purpose in any city, town or place in this commonwealth, and be thereof legally convicted in any court of quarter sessions in this commonwealth, shall forfeit and pay the sum of five hundred pounds.

**SECT. 15.** *And be it further enacted by the authority aforesaid,* That the fines accruing or becoming due for any offences against this act, shall be paid the one half thereof to the overseers of the poor, for the use of the poor of the city, borough, township or district where such offence shall be committed, and the other half to the person or persons who shall prosecute the offender or offenders against this act to conviction.

**SECT. 16.** *Provided always,* That no person shall be indicted, prosecuted or molested for any offence or offences against this act, unless such indictment or prosecution be commenced within three months after the offence or offences committed.

**SECT. 17.** *And be it further enacted by the authority aforesaid,* That so much of an act of assembly, intitled, "An Act to restrain people from labour on the first day of the week;" and of one other act of assembly, intitled, "An Act for the more effectual preventing accidents that may happen by fire, and for suppressing idleness, drunkenness and other debaucheries;" and of one other act of assembly, intitled, "An Act for the more effectual suppressing profane cursing and swearing;" and one other act of assembly, intitled, "An Act to prevent all duelling and fighting of duels within this province and territories," as is altered or supplied by, or is repugnant to the provisions of this act, shall be, and is hereby repealed and declared to be null and void to all intents and purposes whatsoever.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Tuesday the  
30th day of March, in the year of our Lord 1779.  
JOHN MORRIS, junior, clerk of the general assembly.

1779.

*The third Year  
of the Common-  
wealth.**Penalty on  
exhibiting  
or encou-  
raging stage  
plays.**Appropria-  
tion of the  
fines.**Prosecution  
to be with-  
in 3 months.*

1779.

The third Year  
of the Commonwealth.

## CHAPTER XCIX.

Preamble.

*An ACT for incorporating the Scots Presbyterian church  
in the city of Philadelphia.*

SECTION 1. WHEREAS the minister, elders, and deacons of the Scots Presbyterian church in Spruce street, near Third street, in the city of Philadelphia, by their petition have prayed, That their said church may be incorporated, and by law enabled as a body corporate and politic to receive and hold such charitable donations and bequests as may from time to time be made to their society, and vested with such powers and privileges as are enjoyed by the other religious societies, who are incorporated in the said city.

SECT. 2. And whereas it is just and right, and also agreeable to the true spirit of the constitution, that the prayer of their said petition be granted.

Style of the corpora-  
tion.

SECT. 3. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That George Kennedy, Peter January, John Purdon, Robert Aitken, William Richards, Frazer Kinsley, John Davison, James Conchy, and the reverend William Marshal, pastor of the church aforesaid, and their successors duly elected and appointed, in such manner and form as herein after is directed, be, and they are hereby made and constituted a corporation, and body politic in law, and in fact, to have continuance for ever, by the name, style, and title of the *Trustees of the Scots Presbyterian church in the city of Philadelphia.*

Power of  
the corpo-  
ration.

SECT. 4. And be it further enacted by the authority aforesaid, That the said corporation and their successors, by the name, style, and title aforesaid, shall for ever hereafter be persons able and capable in law, as well to take, receive, and hold all and all manner of lands, tenements, rents, annuities, franchises, and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed to the said Scots Presbyterian church in Spruce street, near Third street, in the city aforesaid, or to the religious congregation worshipping therein, now under the pastoral charge and care of the said reverend William Marshall, or to any other person or persons to their use, or in trust for them, and the same lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, are hereby vested and established in the said corporation, and their successors for ever, according to their original use and

and intention. And the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, or other conveyances thereof is or are declared, limited, or expressed; as also that the said corporation and their successors aforesaid, at all times hereafter shall be capable and able to purchase, have, receive, take, hold, and enjoy in fee simple, or of any other lesser estate or estates, any lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation, or devise of any person or persons, bodies politic or corporate, capable and able to make the same; and further, that the said corporation may take and receive any sum or sums of money, and any manner or portion of goods and chattels, that shall be given or bequeathed to them by any person or persons, bodies politic or corporate, capable to make a gift or bequest thereof: Such mony, goods, and chattels to be laid out by them in a purchase or purchases of lands, tenements, messuages, houses, rents, annuities, or hereditaments to them and their successors for ever, or the monies lent on interest, or otherwise disposed of according to the intention of the donors.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That the rents, profits, and interests of the said real and personal estate of the said church and corporation, shall by the said trustees and their successors from time to time, be applied for the maintenance and support of the pastor or pastors of the said church, for salaries to their clerk and sexton, in the maintenance and support of a school, and in repairing and maintaining their lot and house of public worship, burial ground, parsonage house or houses, school house or houses, and other tenements which now do, or hereafter shall belong to the said church and corporation.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That if hereafter the building for public worship, or any other tenement belonging to the said church and corporation, shall be burnt, endamaged, or otherwise rendered unfit for use, or if hereafter the said house of public worship shall appear to be too small to accommodate the congregation, whereby it shall become necessary to rebuild or repair the same, that then and in such case it may be lawful for the said corporation and their successors, to make sale or otherwise dispose of any part or parcel of the said real or personal estate, other than

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of the Common-  
wealth.

Uses of the  
public mo-  
ney.

Power to  
dispose of  
the estate.

1779.

The third Year  
of the Common-  
wealth.With con-  
sent of the  
church  
members.Not to en-  
cumber the  
estate.Power to  
make bye  
laws.

than the scite of the house of public worship, burial ground or burial grounds, parsonage house or houses, school house or houses, for the purposes aforesaid, and not otherwise.

*SECT. 7. Provided always, and be it further enacted by the authority aforesaid,* That in the disposal and application of the public monies of the said corporation, or in the making sale or disposition of any part or parcel of the real or personal estate of the said corporation, for any of the purposes aforesaid, the consent and concurrence of the major part of the regular members of the said church, qualified as herein after is directed, shall be had and obtained, and the votes herein after directed to be taken shall be by ballot; and also that the said trustees in like manner qualified, shall be admitted to vote therein as members of the said church.

*SECT. 8. And be it further enacted by the authority aforesaid,* That the said trustees and their successors, shall not by deed, fine, or recovery, or by any other ways or means, grant, alien, or otherwise dispose of any manors, messuages, lands, tenements or hereditaments, in them or their successors vested, or hereafter to be vested, nor charge nor incumber the same, to any person or persons whatsoever, except as herein before is excepted.

*SECT. 9. And be it further enacted by the authority aforesaid,* That the said trustees and their successors, or the majority of any five of them met from time to time, after public intimation given the preceding Lord's day, commonly called Sunday, from the desk or pulpit of the said church, immediately after divine service, before the congregation are dismissed, or after regular notice in writing left at the house of each trustee, and the particular businels having been mentioned at least one meeting before, be authorised and empowered, and they are hereby authorised and empowered to make rules, bye laws, and ordinances, and to do every thing needful for the good government and support of the secular affairs of the said church.

*SECT. 10. Provided always,* That the said bye laws, rules, and ordinances, or any of them, be not repugnant to the laws of this commonwealth, and that all their proceedings be fairly and regularly entered into a church book, to be kept for that purpose; and also that the said trustees and their successors, by plurality of votes of any five or more of them, met as aforesaid, after such intimation or notice as aforesaid, be authorised and empowered, and they are hereby authorised and empowered, to elect and appoint from among themselves, a president, and also

to

to elect and appoint, from among themselves or others, a treasurer and secretary; and the same president, treasurer and secretary, or any of them, at their pleasure to remove, change, alter, or continue, as to them, or a majority of any five or more of them so met as aforesaid, from time to time, shall seem to be most for the benefit of the said church and corporation.

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That the said corporation, and their successors, shall have full power and authority to make, have, and use one common seal, with such device and inscription as they shall think proper, and the same to break, alter, and renew at their pleasure.

**SECT. 12.** *And be it further enacted by the authority aforesaid,* That the said corporation and their successors, by the name of *The Trustees of the Scots Presbyterian church in the city of Philadelphia,* shall be able and capable in law to sue or be sued, plead and be impleaded, in any court or courts, before any judge or judges, justice or justices, in all and all manner of suits, complaints, pleas, causes, matters, and demands, of whatsoever kind, nature, or form, they may be, and all and every matter and thing therein, to do in as full and effectual a manner, as any other person or persons, bodies politic or corporate, within this commonwealth may or can do.

**SECT. 13.** *And be it further enacted by the authority aforesaid,* That the said corporation shall always consist of nine members, called and known by the name of the Trustees of the Scots Presbyterian church in the city of Philadelphia; and the said members shall at all times hereafter be chosen by way of ballot, by a majority of such members met together of the said church or congregation, as shall have been inrolled in the aforesaid book, as stated worshippers with the said church, for not less than the space of one year, and shall have paid one year's pew rent, or other annual sum of money, not less than ten shillings, for the support of the said pastor or pastors, and other officers of the said church, their lot, and house of public worship, and other lots and tenements belonging to the said church and corporation, and towards the other necessary expences of the said church, and shall not at the time of voting be more than one half year behind or in arrears for the same.

**SECT. 14.** *Provided always,* That the pastor or pastors of the said church for the time being shall be entitled to vote, equally with any member of the said church or congregation.

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The third Year  
of the Common-  
wealth.

## HIS EXCELLENCE

1779.

*The third Year  
of the Common-  
wealth.**Continu-  
ance of the  
members.*

SECT. 15. *And Provided also,* That all and every person or persons, qualified as aforesaid to vote and elect, shall and may be capable and able to be elected a trustee aforesaid, except in case of the said church having two pastors, one of them only to be eligible at the same time.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the said George Kennedy, Peter January, John Purdon, Robert Aitken, William Richards, Frazer Kinsley, John Davison, James Conchy, and the reverend William Marshall, the first and present trustees hereby incorporated, shall be and continue trustees aforesaid, until they shall be removed in manner following; that is to say, One third part in number of the trustees aforesaid, being the third part herein first named and appointed, shall cease and discontinue, and their appointment determine on the Monday next after the first Lord's day, commonly called Sunday, in May, which will be in the year of our Lord one thousand seven hundred and eighty, upon which day a new election shall be had and held of so many others in their stead and place, by a majority of the persons met and qualified agreeable to the purport, true intent, and meaning of this act, to vote and elect as aforesaid; and on the Monday next after the first Lord's day, commonly called Sunday, in May in the year following, the second third part in number of the trustees herein named, shall in like manner cease and discontinue, and their appointment determine, and a new election be had and held of so many in their place and stead, in like manner; and on the Monday next after the first Lord's day, commonly called Sunday, in May in the year then next following, the last third part in number of the said trustees shall in like manner cease and discontinue, and their appointment determine, and a new election be had and held in like manner as herein before is directed; and that in the same manner, and by the like mode of rotation, one third part in number of the said trustees shall cease, discontinue, and their appointment determine, and a new election of the said third part be had and held in manner aforesaid, on the Monday next after the first Lord's day, commonly called Sunday, in the month of May in every year for ever; so that no person or persons shall be or continue a trustee or trustees of the said church, for any longer time than three years together, without being re-elected.

*Proviso.*

SECT. 17. *Provided always,* That the persons belonging to the said church, who are in and by this act authorised and empowered to elect, shall and may be at liberty to re-elect any one or more of the trustees whose times shall have expired

expired on the day of the said annual election, whenever and so often as they shall think fit.

SECT. 18. *Provided also,* That whenever any vacancy shall happen by the death, refusal to serve, or removal of any one or more of the trustees aforesaid, pursuant to the directions of this act, an election shall be had of some fit person or persons, in his or their place and stead, so dying, refusing, or removing, as soon as conveniently can be done; and that the person or persons so elected, shall be, remain and continue as a trustee or trustees aforesaid, so long without a new election as the person or persons in whose place and stead he or they shall have been so elected as aforesaid, would or might have remained and continued, and no longer. And that in all cases of a vacancy happening by the means in this act last mentioned, the remaining trustees shall be empowered to call a meeting of the electors for supplying the said vacancy, such meeting to be notified and published in like manner as herein before is directed and appointed for notifying and publishing the meeting of the trustees.

SECT. 19: *Provided always, and it is hereby enacted by the authority aforesaid,* That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities, or other hereditaments and real estate of the said corporation shall not exceed the sum of one thousand pounds lawful money of the state of Pennsylvania, to be taken and esteemed exclusive of the monies arising from the letting of the pews, and the contributions belonging to the said church, and also exclusive of the monies arising from the opening the ground or burials; which said money shall be received by the said trustees, and disposed of by them in the manner herein before described, pursuant to the vote or votes of the members of the said church, duly qualified to vote and elect as aforesaid.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday, the  
31<sup>st</sup> day of March, in the year of our Lord 1779.*

JOHN MORRIS, junior, clerk of the general assembly.

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The third Year  
of the Common-  
wealth.  
Proviso.

## HIS EXCELLENCE

## CHAPTER C.

1779.

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wealth.*

*A further supplement to the act, intitled, "An Act for settling the accounts of the late committee and council of safety."*

Passed March 31st, 1779. Recorded in Law Book Vol.I. Page 258, &c.  
Repealed March 1st, 1780.

## CHAPTER CI.

*An ACT for repealing part of an act, intitled, "A further supplement to the act, intitled, An Act for the further security of government; and for disarming persons who shall not have given attestations of allegiance and fidelity to this state, or some other of the united states.*

Preamble. SECTION 1. WHEREAS in and by an act, intitled, *"A further supplement to the act, intitled, An Act for the further security of government,"* passed on the fifth day of December last, it is enacted, That every person, now in office or place of trust under this government, shall on or before the first day of April next, and every person hereafter appointed or elected into any office of trust under this government whatsoever, shall, before he enters upon the execution or duties thereof, take and subscribe before the said commissioners, or one of them, the aforesaid oath or affirmation.

REPLEVINS issued for goods seized by any officer, to be quashed. SECT. 2. And whereas it has been considered, that the officers of this state, who in the day of difficulty and danger accepted places of trust, and thereby exposed themselves in a particular manner to the resentment of the king of Great Britain; and that such persons, and all others who gave assurances of their allegiance to this state, and abjured the king of Great Britain and his successors, on or before the first day of June last, according to the form of the act, intitled, *"An Act for the further security of government,"* passed on the first day of April last, had thereby manifested their attachment to the community of this commonwealth in a satisfactory manner.

And treble costs awarded.

SECT. 3. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said recited clause is hereby repealed and declared null and void; and that no person who took and subscribed the said oath or affirmation of allegiance and abjuration

abjuration, as prescribed in and by the said act, intitled, "An Act for the further security of government," on or before the first day of June last, shall be under any obligation to take and subscribe the oath prescribed in and by the said act, intitled, "A further supplement to the act, intitled, An Act for the further security of government," in order to qualify such person to hold or accept any office or place of trust in this government.

SECT. 4. *And whereas* it is very improper and dangerous that persons disaffected to the liberty and independence of this state should possess or have in their own keeping, or elsewhere, any fire arms, or other weapons used in war, or any gun powder.

SECT. 5. *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this act, the lieutenant, or any sub lieutenant of the militia of any county or place within this state, shall be, and is hereby empowered to disarm any person or persons who shall not have taken any oath or affirmation of allegiance to this or any other state, and against whom information on oath shall be given before any justice of the peace, that such person is suspected to be disaffected to the independence of this state; and shall take from every such person any cannon, mortar, or other piece of ordnance, or any blunderbuss, wall piece, musket, fusée, carbine or pistols, or other fire arms, or any hand gun; and any sword, cutlass, bayonet, pike, or other warlike weapon, out of any building, house or place belonging to such person.

SECT. 6. *And be it further enacted by the authority aforesaid,* That a complete list of all arms which have been or shall be taken from any person or persons by any lieutenant, sub lieutenant, or by any other person or persons acting under his or their authority, shall be made out and lodged by such lieutenant or sub lieutenant, or other person, in the office of the clerk of the peace of the proper county, and the persons names from whom the same were taken, which shall be open to the inspection of any person requesting the same, paying two shillings and six pence therefor; and such lieutenant or sub lieutenant shall, and is hereby declared to be accountable to this state for the said arms.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the justices of the peace within this commonwealth, and each and every of them, shall, and they are hereby authorised and impowered to administer all and every of the oaths and affirmations required to be taken by the act, intitled, "A further supplement to the act, intitled,

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Lieutenants  
impowered  
to disarm  
the disaf-  
fected.

Lists of the  
arms and of  
the persons  
disarmed,  
to be left  
with the  
clerk of  
the peace.

Justices im-  
powered to  
administer  
the oath,  
&c.

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wealth.*

"An Act for the further security of government," and to proceed in all things therein as the commissioners appointed to administer the said oaths and affirmations are by the said supplement required in the premises.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the 2d  
day of April, in the year 1779.*  
JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER CII.

*An ACT declaring replevins, attachments, judgments, and executions, in certain cases, to be erroneous and void.*

Preamble.

SECTION 1. WHEREAS divers writs of replevin have of late been granted and issued for goods and chattels, taken in execution, and for fines and penalties legally incurred and due to this commonwealth, to the delay of public justice, and to the great vexation of the officers concerned in taking and levying the same.

Replevins  
issued for  
goods seiz-  
ed by any  
officer, to  
be quashed,

SECT. 2. Be it enacted and declared, and it is hereby enacted and declared, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all writs of replevin, granted or issued for any owner or owners of any goods or chattels levied, seized, or taken in execution, or by distress, or otherwise, by any sheriff, naval officer, lieutenant, or sub lieutenant of the city of Philadelphia, or of any county, constable, collector of the public taxes, or other officer acting in the several offices under the authority of the state, are irregular, erroneous and void: And that all such writs may and shall, at any time after the service, be quashed (upon motion) by the court to which they are returnable; the said court being ascertained of the truth of the fact, by affidavit or otherwise.

and treble  
costs award-  
ed.

SECT. 3. And be it further enacted by the authority aforesaid, That the court, besides quashing the said writs, may and shall award treble costs to the defendant or defendants in such writs; and also, according to their discretion, order an attachment against any prothonotary or clerk, who shall make out or grant any such writ, knowing the same to be for goods or chattels taken in execution, or seized as aforesaid.

SECT.

SECT. 4. And whereas sundry judgments have been entered by virtue of warrants of attorney, and attachments and executions issued against persons attainted of treason, by virtue or in pursuance of the act of general assembly, intitled, "An Act for the attainder of divers traitors, if they render not themselves by a certain day; and for vesting their estates in this commonwealth, and for more effectually discrediting the same, and for ascertaining and satisfying the lawful debts and claims thereupon;" notwithstanding a summary, speedy, and ample remedy is, by the said act, provided for the bona fide creditors of such traitors; to the great waste of the estates, accumulation of suits, and unnecessary costs, and to the preventing a proper enquiry into the justice of the claims and demands of such suitors.

SECT. 5. Be it enacted by the authority aforesaid, That every judgment entered by virtue of any warrant of attorney, and attachment or execution, issued against any person attainted of treason, by the act of assembly aforesaid, or after the date of the proclamation of the supreme executive council of this state against such traitor, or which shall hereafter be so entered or issued, are hereby declared to be void and of no effect; and that no claims or demands of any creditor, or other person whomsoever, against any such traitors, may or shall be heard, allowed, or determined, in any other manner than according to the directions of the act of assembly aforesaid, and the supplement thereto passed this present session of assembly.

All judgments on warrants, attachments or executions made void.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Saturday, the  
3d day of April, in the year 1779.  
JOHN MORRIS, junior, clerk of the general assembly.

### C H A P T E R CIII.

An ACT to compel certain persons intrusted with public money by or for the use of this commonwealth, to account for the expenditure of the same, and to pay such parts thereof as they shall be chargeable with, into the state treasury.

Passed April 2d, 1779. Recorded in Law Book Vol. I. Page 251, &c.  
Repealed March 1st, 1780.

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## CHAPTER CIV.

*An ACT for the better relief of the poor of the city of Philadelphia, the district of Southwark, and the townships of Moyamensing, Passyunk and the Northern Liberties, in the county of Philadelphia.*

Preamble. SECTION 1. WHEREAS the circumstances of the city of Philadelphia, in the month of May last, under the power of the enemy, hindered the due and lawful election of managers and treasurer of the corporation of the contributors to the relief and employment of the poor of the city of Philadelphia, whereby the support and direction of the poor of the said city, the district of Southwark, and the townships of Passyunk, Moyamensing and the Northern Liberties, united and collected in one alms house within the said city, is interrupted and obstructed.

SECT. 2. And whereas the rate or assessment directed by the act of assembly, intitled, "*An Act for the relief of the poor,*" passed on the twenty ninth of March, one thousand seven hundred and seventy one, not exceeding three pence in the pound, on all estates real and personal, and of six shillings per head on every freeman, not otherwise rated for his estate within said city, district and townships respectively, is found to be very inadequate to the support of the poor in the said alms house, and the poor thereto belonging, and the frequent repetition thereof would be very inconvenient to the overseers of the poor, and very troublesome to the inhabitants. For remedy whereof,

Managers and treasurer of the alms house appointed. SECT. 3. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That Joseph Blewer, Philip Boehm, Thomas Cuthbert, Jacob Graff, John Mease, John Nixon, William Rush, Daniel Roberdeau, William Henry, John Shee, Christopher Ludwick and James Wharton, shall be, and hereby are appointed and constituted managers, and Francis Hopkinson treasurer of said alms house, to have, hold, exercise and enjoy all and singular the powers, authorities and direction and employment of the poor of said city, district and townships, as fully as any managers legally chosen by the said contributors, to the relief and employment of the poor in the city of Philadelphia, might, could or have heretofore held, exercised or enjoyed the same; and the managers hereby appointed to continue in office until the contributors, to the relief and employment of

of the said poor, who are legally qualified by taking and subscribing the oath or affirmation of allegiance to the state, shall under the act of their incorporation elect officers as aforesaid.

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**SECT. 4.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for two of the judges of the city court, and two of the justices of the peace for the county of Philadelphia, upon the complaint of the managers of the said alms house, that a sum of money is wanted, or likely so to be for the support and employment of the poor in the said alms house, to issue their warrants under their hands and seals, directed to the overseers of the poor of the said city, district and townships, requiring them to forthwith levy, collect and raise, by an equal assessment upon the clear yearly value, as they shall reasonably estimate the same, of all real and personal estates within the said city, district and townships respectively, a rate or tax not exceeding one shilling and six pence in the pound upon all taxables, and thirty six shillings per head on every freeman, not otherwise rated in such tax for the relief of the poor, and the said rate shall be repeated as often as the said judges, justices and managers shall find the same necessary.

Justices  
may, on  
complaint  
of over-  
seers, lay  
taxes not  
exceeding,  
&c.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That the said recited act for the relief of the poor, passed the twenty ninth of March, one thousand seven hundred and seventy one, except so much as is herein before altered and repealed, shall continue, be and remain, and is hereby declared to be in full force and effect.

Former act  
continued.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That the said recited act, with this supplement thereto, shall continue in force for the space of five years, and from thence to the end of the next sitting of the assembly, and no longer.

Limitation.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Friday, the }

2d day of April, in the year 1779.

JOHN MORRIS, junior, clerk of the general assembly. }

## CHAPTER CV.

1779.

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of the Common-  
wealth.Preamble.

*An ACT to raise the supplies for the year one thousand seven hundred and seventy nine.*

SECTION I. WHEREAS it is indispensably necessary that a tax be forthwith laid on all estates real and personal within this state, as well to defray the expences of the government thereof, as to raise the sum of one million and nine hundred thousand dollars, recommended by the honourable the congress, as the quota or share of this state of the fifteen millions of dollars to be raised by taxes the current year within the united states of America.

The several  
quotas of  
four milli-  
ons.

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the sum of four millions of dollars shall be raised, levied and paid within the current year, and shall be assessed and taxed in the city of Philadelphia, and the several counties of this state, according to the proportions in manner following, that is to say:—For the city and county of Philadelphia, four hundred and ninety seven thousand five hundred and ninety six pounds sixteen shillings and seven pence:—For the county of Bucks, ninety eight thousand four hundred and nineteen pounds eighteen shillings and three pence:—For the county of Chester, one hundred and fifty seven thousand nine hundred and eighty seven pounds seventeen shillings and three pence:—For the county of Lancaster, two hundred and thirteen thousand eight hundred and nineteen pounds twelve shillings and ten pence:—For the county of York, one hundred and nineteen thousand one hundred and twenty six pounds and ten pence:—For the county of Cumberland, one hundred and eleven thousand nine hundred and sixty eight pounds ten shillings and three pence:—For the county of Berks, one hundred and seven thousand five hundred and forty pounds twelve shillings and one penny:—For the county of Northampton, sixty one thousand nine hundred and seven pounds fourteen shillings and eight pence:—For the county of Bedford, thirty three thousand nine hundred and thirty nine pounds five shillings and three pence:—For the county of Northumberland, fifty seven thousand seven hundred and twelve pounds seventeen shillings and two pence:—And for the county of Westmoreland, forty one thousand nine hundred and twenty five pounds.

SECT. 3. And be it further enacted by the authority aforesaid, That the commissioners and assessors of the city and

and county of Philadelphia, and of the other counties within this commonwealth, shall meet together on or before the eighteenth day of May next, at the usual place, in their respective counties, and shall then and there nominate and appoint for each township, ward and district, two reputable freeholders as assistant assessors: And the said commissioners and assessors shall also then and there nominate and appoint the day or days on which the said assistant and township assessors of each township, ward, or district, shall attend with their returns of rateable property and the valuation thereof, as is herein after directed, and shall cause due notice thereof to be given to the said township and assistant assessors; provided the further appointment does not exceed thirty days from the said eighteenth day of May next.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said two freeholders and township assessors shall meet together at such time as they shall appoint, within the said township, ward or district, and shall go to the dwelling house and place of residence of each inhabitant thereof, and shall by all lawful ways and means diligently inform themselves of the names and surnames of every person residing in their said township, ward or district, and their trades, professions or occupations, and put a value thereon, and of all the real and personal taxable property within the said township, ward or district; and the said assessor and freeholders respectively, shall make out fair and true certificates in writing of the names and surnames of all and every the persons dwelling and residing within all and every the townships in their districts, together with an account of what tracts and parcels of lands and tenements, houses and lots, and other real estates they respectively hold; also of all grist mills, saw mills, and all other mills of what kind soever, breweries, distilleries, forges, furnaces, mines, rents, ground rents and plate; the number of bound servants, negroes and mulattoes, and what merchandise and stock of cattle and horses they possess; and the said township assessor and freeholders having obtained an account of the taxable property and estates in their several townships, wards and districts, shall proceed well, faithfully and impartially to value and appraise all such real and personal property within their respective townships, districts or wards, for what the same would sell for in ready money; and having completed the said valuation, they shall make out a fair exact certificate or return in writing, specifying all the said rateable property within their respective townships, districts or wards, distinguishing

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wealth.

Commissi-  
oners and  
assessors are  
to appoint  
assistant as-  
sessors.

The assist-  
ant and  
township  
assessors  
shall take  
an account  
of and value  
all rateable  
property.

the

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wealth.*

the several species thereof, together with the particular valuation set upon the said taxable property respectively, and also an alphabetical list of the names and surnames of all persons residing within their said townships, wards or districts, and of the owners of all the said real and personal property : And each of the said township assessors shall deliver to the commissioners of the county the said certificate or return, on or before the day appointed for that purpose.

Unimprov-ed lands not return-ed to be taxed the next year.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any located and surveyed unimproved lands shall be omitted in the returns to be made by virtue of this act, so that the same cannot be taxed according to the true intent and meaning of this act, all such lands so omitted shall be liable and subject to pay all such taxes in the next or any subsequent assessment which the same lands ought to have paid, had they been duly assessed, as by this act is directed.

Commissi-  
oners to as-  
sess the  
quota of  
each town-  
ship.

SECT. 6. *And be it further enacted by the authority aforesaid,* That as soon as the commissioners shall have received the said certificates or returns of property, they shall in conjunction with the county assessors, and the proper township, ward or district assessors, assess or proceed to lay such a rate on every hundred pounds worth (and so in proportion for every greater or less sum) of taxable estate and property as will be sufficient to raise the proportion or quota by this act required of the county, together with the expences attending the laying, levying and collecting the same ; and shall also fix and ascertain the quota or proportion of the sum of money charged upon such county, and of the allowance of the treasurer commissioners, and assessors, for their service by this act, which each township, ward or district within the same ought to bear and pay.

Penalty on  
concealing  
any taxable  
property.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully conceal, in the returns which he makes to the township or ward assessors, any part of his taxable property within such township or ward, with intent to screen the same from taxation, the person so concealing shall pay fourfold taxes for all property so concealed ; and the money arising thereupon over and above the taxes which such property ought to have yielded, shall be paid to the supervisors of the highways of such township or ward for and towards repairing the public roads and highways within the same, and that any of the inhabitants of such township, ward or district, who shall be a competent witness in other cases, shall be a sufficient witness to prove such concealment.

SECT.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the sums of money raised by virtue of this act in the city and county of Philadelphia, and the several counties of this state, shall not be deemed or held as the exact proportion of the said city and counties, but the same shall hereafter be correctly and finally adjusted and ascertained by the legislature of this commonwealth according to the returns of property to be laid by virtue of this act before the general assembly.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the township and assistant assessors shall return with their certificates herein directed, a list of the names of all single freemen residing or sojourning in their several townships, wards or district, together with their several trades, occupations or professions; and such of the said single men not having real or personal estate for which they pay a tax exceeding the sum which would be rated by virtue of this clause, as have been out of their apprenticeship or servitude for the space of six months (except such as shall be actually engaged as enlisted soldiers or mariners in the service of the united states of America during the time of levying the same) shall be assessed by the said township and assistant assessors any sum not exceeding the sum of fifteen pounds, nor less than the sum of three pounds, according to the respective circumstances of the said single freemen.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the township assessor when making the said return to demand security of any single freemen or sojourners within his township for the amount of the largest tax proposed for freemen or sojourners in this act mentioned, and upon his or their refusing to enter sufficient security, or paying the said tax, the said assessor is hereby authorised to take the body of the said freeman or sojourner before the nearest justice, who is hereby authorised to commit him or them to the common goal of the county, there to remain for the space of one month, or until he enters such security or pays the tax.

SECT. 11. And for the better discovery of personal property intended by this act to be charged:

SECT. 12. *Be it therefore enacted by the authority aforesaid,* That every householder in this state, shall, upon demand of any assessor of his township, ward or district, give an account of the names and occupations of such persons as shall sojourn or lodge in their respective houses, under the penalty of thirty pounds, to be recovered and applied for the repairs of the roads of the said township or ward as aforesaid;

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Assessors  
shall return  
all single  
men, who  
shall be tax-  
ed not more  
than 15l.  
nor less  
than 3l.

Assessor may  
demand se-  
curity of  
single men.

Household-  
ers to give  
an account  
of lodgers,  
&c.

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of the Commonwealth.**Personal  
property  
concealed  
or removed,  
to be taxed  
fourfold.**Commissioners,  
assessor and  
collector  
exempted  
from mili-  
tary duty.**Vacancies,  
how to be  
filled up.**Oath of the  
commission-  
ers,*

and if any person that ought to be taxed by virtue of this act for or in respect of any personal property, shall by removing his or her effects from the county where they ought to have been assessed, or by any other fraud or covin, escape and not be taxed, and the same be proved before any one of the commissioners or any justice of the peace of the county where such person resides, at any time within six months next ensuing after such tax be made, every such person shall be charged upon proof as aforesaid, at the fourfold value of so much as he or she should or ought to have been taxed by this act.

*SECT. 13. And be it further enacted by the authority aforesaid, That every commissioner, assessor and collector, who shall take upon himself the execution of this act, shall for and during the time they shall actually be employed in the discharge of their duty as commissioner, assessor or collector, be intirely exempt and free from all military duty.*

*SECT. 14. And be it further enacted by the authority aforesaid, That in case of the death of any of the commissioners, or of any of the county, township or assistant assessors, or their neglect or refusal to act in discharge of the duties required of them by this act, then, and in every such case, the remaining commissioners and county assessors, or the major part of them, shall appoint others to supply the place or places of such as shall so die, neglect or refuse to act from time to time as occasion may require, which commissioner or assessor so chosen shall take the oath or affirmation in the manner herein prescribed, and shall have full power and authorities to perform all the duties enjoined by this act.*

*SECT. 15. And be it further enacted by the authority aforesaid, That each county commissioner, and county, township, ward, district and assistant assessor, shall respectively, before they enter on any of the duties required of them by this act, make before some justice of the peace of the proper county the oath or affirmation as is herein after directed, viz.---If a county commissioner the following oath or affirmation, to wit,---“I will well and truly cause “the rates and sums of money by virtue of this act im- “posed, to be duly and equally assessed and laid, according “to the rules and directions mentioned in the act, intitled, “An Act to raise the Supplies for the year one thousand seven “hundred and seventy nine,” to the best of my skill and “knowledge, so far as relates to the duty and office of “a commissioner, and herein I will spare no person for fa- “vor or affection, or grieve any for hatred or ill will.”*

If a county, township, ward, district or assistant assessor, the following oath or affirmation, to wit,—"I, A. B. do " swear or affirm that I will faithfully, justly and impartially assess the pound rate imposed by the act, intitled, " An Act to raise the supplies for the year one thousand seven hundred and seventy nine," according to the rate settled in " that act, to the best of my skill and knowledge, and that " in making the valuation of property and in performing " the other duties required by the said act, I will spare no " person for favour or affection, nor any person grieve for " hatred, malice or ill will."

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wealth.  
.....of the  
assessors.

**SECT. 16.** *And be it further enacted by the authority aforesaid,* That the county assessors shall appoint some fit person for or in every township, ward or district, to be collector of the taxes to be raised by virtue of this act, and shall cause fair duplicates of the assessment of each township, ward or district to be made, one part whereof shall by the clerk of the commissioners and assessors be delivered to one of the said commissioners of the proper county, and the other part to the collector of each district, with directions from the said commissioners to every such collector indorsed on his duplicate, or annexed thereunto, requiring him to demand of the parties the respective sums of money wherewith they are chargeable, and acquaint them of the day of appeal, which shall be appointed by the commissioners within thirty days after the said assessments are made; but where any of the collectors cannot meet with the party of whom demand is to be made as aforesaid, he or they shall leave notice in writing with some of the family at the place of the party's last abode, signifying also the day of appeal, at which day every of the collectors shall return their several duplicates.

**SECT. 17.** *And be it further enacted by the authority aforesaid,* That if any person or persons find him or themselves aggrieved with any of the said assessments, he or they may appeal to the commissioners of the proper county.

**SECT. 18.** *And be it further enacted by the authority aforesaid,* That the said commissioners are hereby required to meet on the said day of appeal, where the said assessors shall attend, whereupon the said commissioners shall take due notice thereof, and strictly examine the persons appealing upon their oath or affirmation, or otherwise concerning the cause of their appeal, and upon such examination or proof of others, they are hereby impowered to diminish or add to the persons rate or assessment as to them shall seem just and reasonable; with power also to call before them such persons, and take notice of such estates as they

How the  
commission-  
ers are to  
proceed in  
the appeal.

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they find are omitted in the said assessment, in order to rectify it; and if the persons so omitted refuse or neglect to appear and give an account of their taxable estate, they shall pay double the sum they should or ought to have been rated at by this act. And the said commissioners shall cause their clerks to draw fair duplicates of the assessments of the said respective districts, so rectified as aforesaid, and deliver them to the collectors of the several townships, wards or districts, where they belong, within ten days after the appeal, with a warrant thereunto annexed, under the hand and seal of two or more of the commissioners, requiring them forthwith to collect and receive from the persons assed, the several sums in the said duplicates respectively mentioned.

*Collectors  
must ac-  
count and  
pay every  
six weeks,*

SECT. 19. *And be it further enacted by the authority aforesaid,* That the said collectors shall once in six weeks at least, render a just and true account of, and bring in and pay unto the respective county treasurers all such sums of money as they shall then have received, and shall pay the whole and every of the sums of money assed in their respective duplicates, within three months next after the said days of appeal, and the treasurers shall give receipts to the collectors for such sums of money as they shall so bring in and pay from time to time, which receipts shall be the collectors discharge for so much: And that the said treasurers shall from time to time signify in writing to the said commissioners how much every collector brings in and pays as aforesaid; and when any of the said collectors are negligent or refuse to do their duty in the premises, the treasurers are hereby required forthwith to signify the same by way of complaint to the commissioners, where such negle&t or refusal shall happen.

*upon re-  
fusal to pay  
the tax,*

*Commissi-  
oners must  
issue special  
warrants.*

SECT. 20. *And be it further enacted by the authority aforesaid,* That if any person or persons so rated or assed by virtue of this act, shall refuse or neglect to pay the sum or sums so assed by the space of thirty days after demand made as aforesaid, it shall be lawful for the said collectors respectively, by virtue of a special warrant for that purpose, signed and sealed by two or more of the said commissioners, who shall forthwith grant the same, and shall thereby empower the said collectors to call to their assistance, if occasion be, any constable or other person, and in case of resistance to break open in the day time any house, trunk, box, chest, closet, cupboard, or other things where any such offenders goods and chattels or effects are supposed to be, and make distress and sale thereof, rendering the overplus, if any be, to the owners after reasonable charges deducted;

ducted; but if no distress can be found by the collector, and the party refuses or neglects to shew them goods or chattels of his own forthwith to satisfy the money then due with reasonable charges, then the collector shall take the body of every such person, and bring him to the county goal, and deliver him to the sheriff or keeper of the said goal, who shall detain him in safe custody without bail or mainprise until payment be made.

**SECT. 21.** *Provided always,* That where effects cannot be found sufficient to answer the whole sum in arrear with charges as aforesaid, then distress shall be made for so much as the effects extend to, and the party imprisoned only for the residue thereof with incident charges, all which charges of distress, assistance and bringing to prison, shall be adjusted and settled by any two or more of the said commissioners when such occasion shall happen.

**SECT. 22.** *And be it further enacted by the authority aforesaid,* That if upon complaint of the treasurer to the commissioners, it shall appear that any of the said collectors refuse or neglect to pay the said sums of money which he or they shall be respectively charged to collect, or produce receipts testifying the payment or delivery thereof as aforesaid, and deliver the money in the manner and at the time by this act required, retaining such sum as is hereby allowed for collecting and paying the same, then the commissioners of the proper county, or any two of them, shall fine every such delinquent collector in any sum not exceeding one thousand pounds, and appoint others to act in his or their stead.

**SECT. 23.** *Provided* the said commissioners give the said collector ten days notice of such complaint being lodged by the treasurer, that the said collector may have an opportunity of making it appear that the said complaint is not well founded, or paying in such sum as may be retained in his hands.

**SECT. 24.** And moreover it shall be lawful for the said commissioners of the proper county, or any two of them, and they are hereby required to meet and issue out their warrants, under their hands and seals, to the sheriff or coroner of the proper county, requiring him to take the body and seize and secure the estate real and personal belonging to such delinquent, or which shall come into the hands or possession of his heirs, executors or administrators, wherever the same can be discovered or found in this state, and make return of his proceedings therein at such time and place as the commissioners shall appoint.

F f f

SECT.

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of the Common-  
wealth.

Defaulting  
collectors  
to be fined,

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bodies and  
estates feiz-  
ed;

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*The third Year  
of the Common-  
weal'th.*and sold by  
order of the  
commissi-  
oners, by  
the sheriff:

**SECT. 25.** And that the said commissioners who shall cause the said lands and estates to be seized and secured as aforesaid, shall be and are hereby impowered to appoint a time for a general meeting of the commissioners of such county, and there to cause public notice to be given where such meeting shall be appointed, ten days at least before such general meeting. And the commissioners then present at such meeting, or the major part of them, in case the money detained by such delinquent be not then paid or satisfied, shall and are hereby impowered and required to issue forth their warrants or precepts to the sheriff or coroner of the proper county, impowering and requiring him to sell and dispose of all such estates as shall be for the cause aforesaid seized and secured, or such part thereof as will be sufficient to satisfy the deficiencies aforesaid and all charges, and to bring the money arising by such sale to the commissioners who granted such warrants, in order to satisfy and pay unto the respective county treasurers for the time being, the sum or sums that shall be so unpaid or detained in the hands of the said collectors, or other persons, their heirs, executors or administrators respectively, with damages for what shall be so unpaid, returning the overplus, if any be, to the owner, after all necessary charges deducted. And when any sale of land, tenements or hereditaments shall be made by such sheriff or coroner respectively, pursuant to this act, the title and conveyance thereof shall be by deed signed, sealed and delivered by the sheriff or coroner to such person or persons as shall purchase the same in fee simple or otherwise, which shall be most absolute and available in law against the said delinquents and their heirs and assigns, and all claiming under them.

Real estates  
to be sold,  
where the  
owners do  
not pay the  
taxes, after  
three  
months  
public no-  
tice.

**SECT. 26.** *And be it further enacted by the authority aforesaid,* That if the owner or owners of land and other real property, by this act made subject to taxation, or some person or persons for him or them do not appear, or shall neglect or refuse to pay the rates assessed thereon, by the space of forty days after the days of the appeal, then, and in every such case, the said lands or other real property, together with the rates assessed thereon, shall be advertised in the township or county in which such lands do lie, or in the place where such owner or owners do dwell. And the commissioners of the respective counties shall, and they are hereby required to give public notice thereof in some of the English and German papers for at least three months, that the sale will be made of such part of the said lands, as will be sufficient to discharge the taxes due for the same, and all charges accruing by reason of the refusal or non payment thereof.

thereof. And if the owner or owners of such lands or other real estate, or some person or persons in their behalf, do not appear to discharge and pay the said taxes with all the charges as aforesaid, then the said commissioners of the respective counties are authorised and hereby impowered to sell the said lands or other real estate, or so much thereof as aforesaid, by public vendue to such person or persons as will appear and give most for the same, returning the overplus, if any be, to the owner or owners of such lands or their legal representatives as aforesaid, after all necessary charges deducted: And when any sale of such land or other real estate shall be, as aforesaid, made by the sheriff or coroner respectively, pursuant to this act, the title and conveyance thereof shall be by deed signed, sealed and delivered by the sheriff or coroner to such person or persons as shall purchase the same, in fee simple, or otherwise; which shall be most absolute and available in law against the said delinquents, and their heirs and assigns, and all claiming under them.

SECT. 27. *And be it further enacted by the authority aforesaid,* That if any of the present commissioners or assessors of the city and county of Philadelphia, or of any of the other counties within this state, shall refuse or neglect to do and perform all, or any the duties required of him by this act, he shall be fined by the other commissioner or commissioners and assessors, or a majority of them of such county, any sum, not exceeding five hundred pounds, for the use of the state; and they, the said two other commissioners, or the said one commissioner and assessors, or a majority of them, may and shall, and they are hereby authorised, impowered and required to nominate and appoint an able and skilful freeholder, or two able and skilful freeholders, as the case may require, of the county where such refusal or neglect shall happen as commissioner or commissioners or county assessors for such county, for the current year: And if any of the persons appointed collectors of the tax imposed by this act, or if any person shall be appointed an assistant assessor, and shall after notice of his appointment refuse or neglect to do and perform all or any the duties required of him by this act, then, and in such case, the commissioners and assessors, or a majority of them of the county where such refusal or neglect shall happen, shall fine such delinquent collector or assessor any sum, not exceeding five hundred pounds, for the use of the state, and appoint other collectors or assessors in the stead of such delinquents.

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of the Common-  
wealth.*

Commissi-  
oners and  
assessors ne-  
glecting or  
refusing are  
to be fined  
and others  
appointed  
in their  
stead.

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of the Common-  
wealth.**Commissi-  
ons of the  
state and  
county  
treasurers.**County  
treasurers  
shall pay to  
the state  
treasurer.**Returns of  
property to  
be laid be-  
fore the as-  
sembly.**Wages of  
the commis-  
sioners, as-  
sessors and  
collectors.**Commissi-  
oners may  
employ  
a clerk.*

**SECT. 28.** *And be it further enacted by the authority aforesaid, That the county treasurers respectively shall be allowed for their trouble in receiving and paying all such monies as shall come into their hands respectively, by virtue of this act, the sum of seven shillings and six pence for every hundred pounds; and the treasurer of the state shall be allowed for his trouble in receiving and paying all such monies as shall come into his hands by virtue of this act, the sum of two shillings and six pence for every hundred pounds, and no more.*

**SECT. 29.** *And be it further enacted by the authority aforesaid, That the treasurer of the city and county of Philadelphia, and of each of the other counties, shall pay over all the monies by them severally received, deducting their own commissions or allowance, to the treasurer of the state.*

**SECT. 30.** *And be it further enacted by the authority aforesaid, That the commissioners of each respective county shall at the next meeting of assembly, after the said taxes are settled and adjusted, cause to be laid before this house true and fair duplicates of all the returns of property and rates laid in each respective county, ward or district, under the penalty of five hundred pounds.*

**SECT. 31.** *And be it further enacted by the authority aforesaid, That the county commissioners and assessors, and each of the township, ward, district and assistant assessors, shall each of them have and receive forty five shillings per day, for each day that they shall bona fide be employed in the several duties required of them by this act; and that the several collectors, employed for the due execution of this act, shall be allowed six pence in the pound for every pound by him so collected.*

**SECT. 32.** *And that the said commissioners be, and they hereby are empowered to employ a suitable clerk for transacting the business required of such clerk by this act, who is to be paid for his services out of the taxes to be raised by virtue of this act.*

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday the*

*3d day of April, in the year 1779.*

*JOHN MORRIS, junior, clerk of the general assembly.*

CHAPTER CVI.

An ACT for supplying the army of the united states, and for other purposes therein mentioned.

Passed April 3d, 1779. Recorded in Law Book Vol. I. Page 275, &c.  
Expired.

1779.  
The third Year  
of the Common-  
wealth.

CHAPTER CVII.

An ACT to prevent the trespassing upon the uninclosed grounds lying in the townships of Passyunk, Moyamensing, Northern Liberties and Germantown, in the county of Philadelphia.

Passed April 5th, 1779. Recorded in Law Book Vol. I. Page 278, &c.  
Expired.

CHAPTER CVIII.

A further supplement to the act, intitled, "An Act to regulate the militia of the commonwealth of Pennsylvania."

Passed April 5th, 1779. Recorded in Law Book Vol. I. Page 279, &c.  
Repealed March 20th, 1780.

CHAPTER CIX.

An ACT to amend an act of general assembly of this state, intitled, "An "Act for the regulation of waggons, and "the supplement and further supplement to the said "act."

Passed April 5th, 1779. Recorded in Law Book Vol. I. Page 280, &c.  
Expired.

CHAPTER CX.

An ACT for the regulation of the markets in the city of Philadelphia, and for other purposes therein mentioned.

SECTION I. WHEREAS the forestalling and re-grating of provisions in and near the city of Philadelphia, has produced great inconveniencies, and, if not restrained, is likely to bring great distress upon the people,

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of the Commonwealth.Who shall  
be deemed  
a forestaller.Who shall  
be deemed  
a regater.Proviso, as  
to innkeep-  
ers and  
hucksters.Proviso, as  
to imported  
victuals and  
live cattle,  
&c.

the inhabitants of said city and its vicinity. For remedy whereof,

**SECT. 2.** *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That, from and after the publication of this act, if any person shall buy, or cause to be bought, any provisions or victuals whatsoever, for the food of man, coming by land or by water towards the market of the said city, or shall make any bargain, contract or promise, for the having or buying the same, or any part thereof, so coming as aforesaid, before the said provisions or victuals shall be in the said market, ready to be sold, or shall make any motion by word, letter, message or otherwise, to any person, for the enhancing of the price or dearer selling of any thing above mentioned, or shall dissuade or labour any person coming to said market to abstain or forbear to bring provisions or victuals to the said market; every such person so offending shall be deemed a forestaller, and proceeded against as such in the court of quarter sessions of the city of Philadelphia, or of the county wherein the offence shall be committed.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That if any person shall within the market of the said city, or elsewhere within four miles of the county court house in the said city, regrate, obtain, or get into his or her hands or possession, any provisions or victuals, and do sell the same again within the same market, or elsewhere within the circuit of four miles round the said court house as aforesaid, every such person shall be deemed and proceeded against as aforesaid as a regater.

**SECT. 4.** *Provided always,* That nothing herein contained shall extend to any innkeeper or other victualler buying in the said market, to sell the same within his own dwelling to his guests; nor to any butcher acting in his proper mystery and craft, and not forestalling or regrating; nor to any huckster or retailer buying provisions or victuals in the said market, and not elsewhere, after ten o'clock in the forenoon and not earlier, in order that the inhabitants of the said city, needing food for the use of themselves and their families, may be first supplied.

**SECT. 5.** *Provided also,* That this act shall not extend to wines, oils, sugars, nor other imported victuals, salt and fish only excepted; and that no person within the compass of four miles as aforesaid, who shall buy any oxen, bulls, cows, heifers, calves, swine, sheep, lambs, goats, or kids living, and shall sell the same again alive or dead, after having

having fed them for five weeks on his own land or in his own possession, shall be within the meaning of this act.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That if any person shall be guilty of any of the said offences, he or she shall for the first offence be imprisoned two months, and forfeit the value of the goods by him or her so forestalled or regated as aforesaid; for the second offence the said offender shall be imprisoned for half of a year, and forfeit double the value of the goods by him or her forestalled or regated as aforesaid; and for the third offence, such offender shall be set in the pillory, forfeit all his goods, and be imprisoned at the discretion of the court; and the said forfeitures shall be distributed, one-half to the use of the state, and the other half to the person who shall prosecute within two months after the offence shall be committed.

1779.

The third Year  
of the Commonwealth.Penalties  
for the first,  
second, &c.  
offences.

**SECT. 7.** *And whereas* the practice of buying and selling the necessaries of life and other commodities with hard money, or specie, is one of the means of depreciating the continental bills of credit:

**SECT. 8.** *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this act, no person or persons whatsoever, within this commonwealth, shall buy or sell, or offer to buy or sell, any of the necessaries of life, or other commodities, with or for hard money, and if any person, shall be convicted of buying or selling, or offering to buy or sell, any merchandise, commodities, or any of the necessaries of life, or renting of houses or lands for hard money, contrary to this act, he or she so offending shall forfeit and pay, for the use of this state, fifty pounds, and the value of the things so bought or sold, or offered to be bought or sold, or the amount of the rent asked or demanded for such house or lands.

Penalty on  
persons  
buying,  
selling, &c.  
for hard  
money.This secti-  
on is repeal-  
ed.

**SECT. 9.** *And whereas* there have been great abuses committed in the assize and weight of all sorts of bread, made for and exposed to sale in the city of Philadelphia.

**SECT. 10.** *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful to and for any three of the justices of the peace in and for the city of Philadelphia, or any of the counties within this state, and they are hereby empowered and required, as often as there shall be occasion, to set, ascertain and appoint the assize and weight of all sorts of bread, which shall be made for sale, sold or exposed to sale, within the said city and liberties, or any county of this state, and the price to be paid for the same,

Justices of  
the peace  
are to set  
the assize  
of bread,

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 of the Common-  
 wealth.

same, as fully, to all intents and purposes, as the mayor or recorder, and any two of the aldermen of the said city, ought or could have done by the laws of the province of Pennsylvania, in force on the fourteenth day of May, one thousand seven hundred and seventy six.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
 5th day of April, 1779.  
 JOHN MORRIS, junior, clerk of the general assembly.*

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## CHAPTER CXI.

*A further supplement to an act, intitled, "An Act for regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia, and for other purposes therein mentioned," and to an act which is a supplement thereto, passed in the year of our Lord one thousand seven hundred and seventy six.*

Passed April 5th, 1779. Recorded in Law Book Vol. I. Page 284, &c.  
 Expired.

1779.  
The third Year  
of the Common-  
wealth.

## L A W S

Enacted in the third sitting of the third general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, on *Monday*, the thirtieth day of *August*, A. D. 1779.

## C H A P T E R CXII.

*An ACT to appoint a representation for the city of Philadelphia, and the several counties in this commonwealth, in proportion to the number of taxable inhabitants in each.*

SECTION 1. WHEREAS it is declared in and by the Preamble. seventeenth section of the constitution of this commonwealth, that "as representation in proportion to the number of taxable inhabitants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land; therefore the general assembly shall cause complete lists of the taxable inhabitants in the city and each county in the commonwealth respectively, to be taken and returned to them on or before the last meeting of the assembly, elected in the year one thousand seven hundred and seventy eight, and shall appoint a representation to each, in proportion to the number of taxables in such returns, which representation shall continue for the next seven years afterwards.

SECT. 2. And whereas an act of assembly was passed on the twenty ninth day of March last to ascertain the number of taxable inhabitants within the city of Philadelphia, and within each of the counties of this commonwealth; in pursuance of which returns from the said city, and the several counties, (except the county of Westmoreland, which from

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The third Year  
of the Common-  
wealth.

Number of  
members  
for the city  
and several  
counties.

the Indian incursions and the disputed boundary with Virginia was unable to send any such returns) containing the number of taxable inhabitants within each, have been made to this assembly.

In compliance therefore with the directions of the said constitution,

**SECT. 3.** *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the freemen of the city of Philadelphia, and of each of the counties within this commonwealth respectively, who are or shall be qualified to vote for representatives, by the laws thereof, for the time being, shall on the second Tuesday in October next, and on the same day in each of the next six succeeding years, and in the manner and form directed by the said laws, choose the number of persons hereafter respectively mentioned, to represent them in general assembly for each of the said seven years, that is to say, For the city of Philadelphia, five; for the county of Philadelphia, nine; for the county of Bucks, five; for the county of Chester, eight; for the county of Lancaster, eleven; for the county of York, eight; for the county of Cumberland, seven; for the county of Berks, six; for the county of Northampton, five; for the county of Bedford, two; for the county of Northumberland, three; and for the county of Westmoreland, three; which persons, so chosen, shall be the general assembly of representatives of the freemen of Pennsylvania, and shall have all and every the powers thereof for and during each of the said seven years respectively, according to the directions and the true intent and meaning of the said constitution, and of the laws which are or shall be made in pursuance thereof.*

Provision as  
to West-  
moreland.

**SECT. 4.** *And be it further enacted, That whenever the returns of taxables shall be made by the county of Westmoreland, the said county shall elect a number of members to serve in the general assembly for the said county for the remainder of the said seven years, as nearly as may be in proportion to the number of taxables so returned, that is to say, one member for every seven hundred and fifty three taxables.*

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
24th day of September, in the year of our Lord 1779.*  
JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER CXIII.

1779.

*An ACT for the better ascertaining the boundary line between the counties of Cumberland, Bedford and Northumberland.*

The third Year  
of the Commonwealth.

SECTION 1. WHEREAS the act of general assembly Preamble.

of the province of Pennsylvania, intitled, "An Act for explaining and better ascertaining the boundary lines of the county of Bedford," passed the twenty first day of March, one thousand seven hundred and seventy two, and the act passed the same day, intitled, "An Act for erecting a part of the counties of Lancaster, Cumberland, Berks, Northampton and Bedford into a separate county," are contradictory to each other, and asign different and inconsistent boundaries to the said county of Bedford and the county of Northumberland; and part of the boundary of the said county of Northumberland is by reason of the course of Little Juniata near the head thereof impassable. And that strip of Land on the north east side of Juniata, between Jack's Narrows and Standing Stone Mountain, being separated by large mountains from the rest of Cumberland county, makes it inconvenient for the people residing on the said north east side of Juniata, at the place aforesaid, that the same should continue in the said county of Cumberland. For remedy whereof,

SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the lines following, viz. "Beginning where the line (dividing Pennsylvania and Maryland) crosses the North or Blue Mountain, that runs between the Great and Little Coves and that part of Cumberland county called Conecococheague; and thence along the summit of the said mountain to the beginning of the Tuscarora Mountain, and running along the summit of the said Tuscarora Mountain to the Gap, near the head of the Path Valley; from thence a north line to the Juniata River, thence up the Juniata to Jack's Narrows; thence along the summit of the ridges and mountains which divide the waters falling into the said north east side of the said Juniata above Jack's Narrows aforesaid from the waters which fall into the said river below the said narrows, to Tussey's Mountain, at the head of the Standing Stone Creek; thence, along the summit of Tussey's Mountain, to the ridge dividing the waters falling into Bald Eagle Creek from the waters of Little Juniata, thence, along the said last mentioned ridge, to the

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*The third Year  
of the Common-  
wealth.*

" Chesnut Ridge ; thence, along the Chesnut Ridge, to " the head of the south west branch of Bald Eagle Creek ; " from thence a straight line to the head of Moshannon " Creek ; thence, down Moshannon Creek, to the west " branch of Susquehanna ; thence, up the said west branch, " to the purchase line run from Kittanning to the said west " branch, to the line of Westmoreland county ; thence " along the south east boundary of the said county of West- " moreland, as the same is described in the act erecting the " said county of Westmoreland, to the line dividing Penn- " sylvania from Maryland aforesaid ; and thence along the " said line last mentioned, to the place of beginning ; " shall be and are hereby declared to be the boundary lines of the said county of Bedford ; any thing in the said recited acts, or of the act for erecting the said county of Bedford to the contrary notwithstanding. *Provided* that nothing herein contained shall be deemed or taken to disannul or make void the said recited acts, or any clause, article, matter or thing therein contained, except what is hereby altered or supplied, but that the same articles, clauses, matters and things, and every of them, not hereby altered or supplied, shall be and remain in full force and virtue.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the  
30th day of September, in the year of our Lord 1779.  
JOHN MORRIS, junior, clerk of the general assembly.*

## CHAPTER CXIV.

*A supplement to an act, intitled, " An Act for regulating, " pitching, paving, and cleansing the highways, streets, " lanes and alleys ; and for regulating, making and " amending the water courses, and common sewers " within the inhabited and settled parts of the city of " Philadelphia ; for raising of money to defray the ex- " pences thereof, and for other purposes therein " mentioned.*

Preamble. SECTION I. WHEREAS the paving the streets, lanes and alleys within the inhabited and settled parts of the city of Philadelphia, and the keeping the same clear of filth and rubbish, has greatly contributed to the conveniency, as well as to the health of the inhabitants.

SECT.

SECT. 2. *And whereas* the present street commissioners have found by experience that the tax of three pence in the pound last assessed and levied on the inhabitants and estates within the said city falls greatly short of the purposes intended since the present enhanced price of materials and workmens wages.

SECT. 3. *And whereas* it is absolutely necessary, that the streets, lanes and alleys, which are already paved within the inhabited and settled parts of the said city, should be kept clean and in repair, and that an additional rate of nine pence in the pound be levied on the inhabitants and all estates, real and personal within the said city.

SECT. 4. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for the commissioners of the streets, lanes and alleys of the city of Philadelphia, and their successors, and they are hereby impowered to levy an additional tax rate, of any sum not exceeding nine pence in the pound on the inhabitants, and all estates real and personal, and taxables within the bounds and limits of the city of Philadelphia, yearly and every year during the continuance of this act; and to be assessed, levied and collected in the same manner, by the same persons and for the same uses, as in and by an act of general assembly made and passed the eighteenth day of February, in the year of our Lord one thousand seven hundred and sixty nine, intitled, "An Act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys; and for regulating, making and amending the water courses and common sewers within the inhabited and settled parts of the city of Philadelphia; for raising of money to defray the expences thereof, and for other purposes therein mentioned," is or are directed to be assessed, levied and collected.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any person who shall be appointed the collector of the aforesaid taxes of any ward or wards, or any constable of any ward in the city of Philadelphia, shall neglect or refuse to take upon him the duty or office required of him by the commissioners or assessors aforesaid, unless he can give a reasonable excuse to the satisfaction of the commissioners, for such his refusal, he shall forfeit and pay an additional fine of forty five pounds for every such neglect or refusal.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any person shall commit any of the of-

1779.  
The third Year  
of the Common-  
wealth.

Street com-  
missioners  
enabled to  
lay an ad-  
ditional tax  
not exceed-  
ing nine  
pence.

Penalty on  
collectors  
and consta-  
bles.

Penalty on  
other of-  
fenders.

## HIS EXCELLENCE

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The third Year  
of the Common-  
wealth.

Fines, how  
recovered  
and appro-  
priated.

fences mentioned and specified in the said act, to which act this is a supplement, every such person so offending shall be liable to pay eight times the forfeiture contained in the said act, any thing in the said act to the contrary in any wise notwithstanding.

SECT. 7. *And be it enacted by the authority aforesaid,* That all fines and forfeitures incurred by virtue of this act, and the act, to which this act is a supplement, shall be recovered in the same manner and applied to the same uses and purposes, as fines and forfeitures are directed to be recovered and applied in the said act to which this act is a supplement, and in no other manner.

LIMITATION. SECT. 8. *And be it further enacted by the authority aforesaid,* That this act shall be, and continue in full force for two years next ensuing, and from thence to the end of the next sitting of the general assembly, and no longer.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the  
30th day of September, in the year of our Lord 1779.*  
JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER CXV.

*An ACT to continue an act, intitled, "An ACT for opening and better amending and keeping in repair the public roads and highways within this province."*

Preamble. SECTION 1. WHEREAS the said act in its operation is found beneficial and easy to the inhabitants and travellers in this state, but by its own limitation would expire at the end of the sitting of this assembly.

Former act continued, except, &c. SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said act, and every article, clause, and thing therein contained, (so much thereof as relates to the assessment of estates within the several townships, the quantum of the fines and penalties imposed on persons offending against the directions of the said act, to the daily wages allowed to supervisors of the highways for their actual attendance at the mending and repairing the same, and the clause of limitation aforesaid, only excepted) shall be, and is hereby declared to be, in full force and virtue, for and during the term of two years, from and after the publication

tion hereof; and from thence to the end of the next sitting of assembly, and no longer.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the supervisors of the public roads and highways, within the respective townships of this state, valuing and estimating real and personal estates, within their said townships, as the same were valued in the year of our Lord one thousand seven hundred and seventy two, when the aforesaid act was made, shall or may, during the continuance of this act, make or lay a rate or rates in any one year, not exceeding seven shillings and six pence in the pound on the yearly value of the same estates, to be employed for the opening, clearing, amending and repairing the several roads and highways within their respective townships. And that the said supervisors besides the twelve pence in every pound by them to be collected, shall be allowed and paid three pounds fifteen shillings per diem for each day he or they shall attend in overseeing, employing and directing the workmen upon the public roads and highways within their townships. And that every person who shall be duly elected and chosen supervisor of the public roads and highways, and shall refuse or neglect to take upon himself the said office, shall forfeit and pay the sum of one hundred pounds, to be applied towards amending and repairing the said roads. And that such supervisors as have taken upon themselves the office to which they were chosen, but shall refuse or neglect to do and perform their duty as directed by the said act, shall be fined and pay the sum of fifty pounds for every such offence. And that every person employed at work, in the repairing of the public roads, or being with these workmen, who shall ask any money, drink or any other reward whatsoever, or shall by any means whatsoever extort, or endeavour to extort any money or other thing of or from any person, passing or travelling upon the said public roads, shall for every such offence pay to the supervisor or supervisors of the township, the sum of ten pounds. And the supervisor who shall connive at such practices, or shall himself extort, or endeavour to extort, any money or other thing from any traveller as aforesaid, shall forfeit and pay, for each offence, the sum of twenty pounds. And that every person and persons who shall stop or fill up any drain or ditch, already cut and opened, or hereafter to be cut and opened by the said supervisors, to carry off and drain the water from the public roads, shall be fined and pay the sum of fifty pounds for every such offence.

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of the Common-  
wealth.

Supervisors  
enabled to  
lay rates  
not exceed-  
ing seven  
shillings  
and six  
pence in  
the pound.

Their  
wages.

Penalty for  
neglect, &c.

Penalties on  
supervisors  
and others  
asking mo-  
ney from  
travellers.

## HIS EXCELLENCE

1779.

*The third Year  
of the Commonwealth.**Fines, how  
levied and  
collected.*

SECT. 4. And be it further enacted by the authority aforesaid, That the several fines, penalties and forfeitures imposed by this act, shall be levied, recovered and employed in the same manner, and to the same uses, as in and by the aforesaid act, passed in the year one thousand seven hundred and seventy two, is directed.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday the 30th day of September, in the year of our Lord 1779.*  
JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER CXVI.

*A supplement to the act for raising of county rates and levies.*

Preamble

SECTION I. WHEREAS it has been found by experience that the said act is defective in sundry parts thereof, and in order that it may fully answer the good purposes for which it was intended requires to be amended in the following particulars; that is to say,

SECT. 2. Whereas it is enacted in and by the said act, that no assessment of county rates to be made by virtue of the said act in any one year shall exceed the value of three pence per pound, and nine shillings per head on single men liable to be taxed by the said act; and that the proprietaries proper estates should not be liable to be rated or assessed.

Tax to be raised, not exceeding five shillings per pound.

SECT. 3. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the publication of this act, instead of the said sum of three pence per pound, and nine shillings per head, there shall be assessed, levied, raised and collected, any sum or sums not exceeding five shillings per pound, in any one year, on all property made taxable by the said act, and also on the proprietaries proper estate, and on all ground rents; and the tax on single men shall be in the same proportion to the tax on property to be raised by virtue of this act, as in the before recited act; and to be assessed, levied, raised, collected and applied according to the directions of the said act.

Treasurers shall give security.

SECT. 4. And be it further enacted by the authority aforesaid, That the treasurer of the city of Philadelphia, and

and the treasurer of each of the counties of this commonwealth, shall become bound to the commissioners of the city and proper county, with one or more sufficient sureties, in five thousand pounds, conditioned for the true execution of their respective offices.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That the reward for killing a full grown dog or bitch wolf, shall be fifteen pounds; and for every wolf puppy or whelp ten pounds, to be paid in the manner directed by the said act and supplement thereto.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That all taxes to be assessed by virtue of the act to which this is a supplement, or by this act, on all lands, houses and lots, shall be paid by the person or persons possessing such lands, houses or lots, and levied according to the directions of the said act.

**SECT. 7.** *Provided,* That nothing herein contained shall be deemed or taken to disannul or make void the said recited act, or any clause, article, matter or thing therein contained, except what is hereby altered or supplied; but that the same articles, clauses, matters and things, not hereby altered or supplied, shall be and remain in full force and virtue.

**JOHN BAYARD, SPEAKER.**

*Enacted into a law at Philadelphia, on Friday, the 1<sup>st</sup> day of October, in the year of our Lord 1779.*

*JOHN MORRIS, junior, clerk of the general assembly.*

1779.  
The third Year  
of the Common-  
wealth.

Bounty for  
killing  
wolves.

Taxes to be  
paid by the  
possessors.

## C H A P T E R CXVII.

*A further supplement to the test laws of this state.*

**SECTION 1.** **W**HEREAS by virtue of that inherent Preamble, and unquestionable right which every government hath to exact a test of allegiance from all persons within it, at such times and in such manner as the preservation of the state shall require; several test laws have been successively passed at different periods, by the legislature of this state, presenting oaths of allegiance to this commonwealth.

**SECT. 2.** *And whereas* many persons have omitted to take and subscribe the same, as is reasonably apprehended from disaffection to our late glorious revolution.

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wealth.

**SECT. 3.** *And whereas it is unjust, as well as impolitic, to admit to a common participation of the blessings of independence, those who refuse to share in common with the good people of these states the dangers and inconveniences of the present contest.*

**SECT. 4.** *And whereas many persons, inimical to the liberties of this country, despairing of subverting the same by open force, may be induced to assume the mask of friendship, and after insinuating themselves into favour and confidence, endeavour to betray those whom they cannot conquer.*

**SECT. 5.** *And whereas to secure and establish the independence of this commonwealth, as declared by congress, is a duty which we owe to ourselves who now enjoy it, to those brave men who have exposed their lives for this noble purpose, and to our posterity who will claim at our hands this the most valuable inheritance that could have been left them: Therefore, to attain this great object, to make a proper and reasonable distinction between those who step forward in the hour of trial, and those who would enjoy the rewards of victory without having contributed towards it, and to guard against secret and deceitful designs,*

Penalties  
on those  
who ne-  
glect, &c.  
to take the  
oath, &c.

**SECT. 6.** *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all male white inhabitants of this state, above the age of eighteen years, who have not hitherto taken the oath or affirmation, mentioned and appointed to be taken in the act of assembly, intitled, "An Act obliging the male white inhabitants of this state, to give assurances of allegiance to the same, and for other purposes therein mentioned," enacted the thirteenth day of June, one thousand seven hundred and seventy seven, within the time and according to the terms prescribed in said act; and who have also neglected and omitted to take and subscribe the oath or affirmation in said act mentioned, within the further time indulged, and according to the terms prescribed, by an act, intitled, "An Act for the further security of the government," and who have neglected to take and subscribe the oath or affirmation, appointed to be taken and subscribed by an act, intitled, "A further supplement to the act, intitled, An Act for the further security of government," within the time limited, and according to the terms prescribed in said last mentioned act; and who shall refuse or neglect to take and subscribe the oath or affirmation, prescribed in said act, passed the fifth day of December, one thousand seven hundred and seventy eight, if an inhabitant*

Times fixed  
for the se-  
veral coun-  
ties.

of

of the county of Cumberland, Bedford, Northumberland or Westmoreland, on or before the first day of December next; or if an inhabitant of the county of Lancaster, York, Berks or Northampton, within thirty five days from the passing of this act; or if an inhabitant of the city of Philadelphia, or of the county of Philadelphia, Bucks or Chester, within twenty days after the passing thereof, such persons shall be, and are hereby declared to be, excluded from, and incapable of electing or being elected into, or holding any office or place of trust within this government, serving on juries or keeping schools, except in private houses.

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of the Common-  
wealth.

SECT. 7. *Provided always,* That this act shall not extend to exempt them from serving the offices of supervisor of the highways, collector of the public taxes, or overseers of the poor.

SECT. 8. *And be it further enacted by the authority aforesaid,* That every such person, so refusing or neglecting to take the said oaths or affirmations within the time hereby limited and appointed, shall be forever excluded from the same, and deprived of the privileges and benefits of a citizen or citizens who shall have complied with this act.

Exclusion of  
the right of  
citizenship.

SECT. 9. *And whereas* some doubts have arisen on the construction of the said acts, whether officers and soldiers in the continental army who have not taken the oath of allegiance within the times limited in the same, are intitled to the privileges of citizens. To remove such doubts,

SECT. 10. *Be it enacted by the authority aforesaid,* That all officers, both of the line and staff, attending the army, and all soldiers who are now or were in the service of this or united states, on the said first day of June, one thousand seven hundred and seventy eight, shall have, and are hereby declared to have all the privileges of citizens of this commonwealth, although they have not taken the oaths aforesaid, within the time and according to the terms in the said acts limited and prescribed, as fully as if they had taken the said oaths, as soon as they shall have taken the same.

Provision as  
to officers  
and soldi-  
ers.

SECT. 11. *And be it further enacted by the authority aforesaid,* That so much of the beforementioned act of assembly, intitled, "An Act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned," enacted the thirteenth day of June, one thousand seven hundred and seventy seven; and of the act, intitled, "An Act for the further security of the government," and of the supplement thereto, as are hereby altered or supplied, shall be repealed and become null and void; and that all other parts of the same acts which are now in force, shall remain, continue and

Repeal of  
part of  
three acts.

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of the Commonwealth.

and be in as full force and effect, as if this act had never been made.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday the 1<sup>st</sup>  
day of October, in the year of our Lord 1779.  
JOHN MORRIS, junior, clerk of the general assembly.*

## CHAPTER CXVIII.

*A supplement to an act, intitled, "An Act for the repeal of  
so much of the act of assembly, intitled, An Act for  
the attainer of divers traitors if they render not them-  
selves by a certain day, and for vesting their estates in  
this commonwealth, and for more effectually dis-  
cvering the same, and for ascertaining and satisfying  
the lawful debts and claims thereupon, as relates to  
Reynold Keen, in the said act named.*

Preamble. SECTION I. WHEREAS it appears to this house, by certificate from the records of the supreme court of this commonwealth, that the said Reynold Keen did, on the twenty eighth day of November last, within the time limited by the said act, whereto this is a supplement, render himself to the chief justice of the said court, and at the last term of the court of oyer and terminer for the county of Philadelphia, did appear to abide his legal trial for any treason or misprision of treason, that he had been or might be charged with, and was at the said term discharged from prosecution, by proclamation of the said court.

SECT. 2. And whereas the said Reynold Keen hath humbly petitioned this house for relief from the forfeiture of his estate, incurred upon the said act of attainer: Therefore,

All process against the estates of Reynold Keen to be void. SECT. 3. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all process and proceedings now carrying on against the estate of the said Reynold Keen, by virtue of the said act of attainer, forthwith cease and become null and void; and that all and every the lands, tenements, hereditaments, goods, chattels, rights and credits whereof the said Reynold Keen stood seized or was possessed or entitled to at the time of his attainer, and not sold by the agents for confiscated

confiscated estates, or commissioners appointed by the council of safety of this state, at any time before the said twenty eighth day of November last past, shall revest in the said Reynold Keen, and that he shall have, hold, possess and enjoy the same and every part thereof for such estate and estates, and to such uses as he was seized of, or held the same at the time of such his attainder, as fully and amply as if he had never stood attainted, or the same had never been forfeited; any thing in the said act of attainder, or the act whereto this is a supplement, to the contrary thereof in any wise notwithstanding.

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wealth.

And his es-  
tate vested  
in him.

SECT. 4. *Provided always,* That nothing herein contained shall be deemed or construed to extend to any part of the estate of the said Reynold Keen, sold by the agents for confiscated estates, or commissioners appointed by ordinance of the council of safety aforesaid, at any time before the said twenty eighth day of November last past; but that the said Reynold Keen, his heirs, executors, and administrators shall be forever debarred from recovering the same, and from having any action or actions against the said agents or commissioners or any of them, for any matter or thing they have done therein. And,

SECT. 5. *Provided always,* That nothing herein contained shall prevent the said estate of the said Reynold Keen from being liable to pay all costs and charges respecting the said estate, which may have been incurred by the agents for forfeited estates or commissioners aforesaid, to the day of passing this act.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday, the  
6th day of October, in the year of our Lord 1779.*  
JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER CXIX.

*An ACT to vest the estates of Nathaniel Vernon, late of Chester county, esquire, in his four sons.*

SECTION I. WHEREAS Thomas Vernon, of the Preamble county of Chester, in behalf of himself and of his three brothers, Job Vernon, a captain in the fifth Pennsylvania regiment of continental troops, Frederick Vernon, a major of the eighth Pennsylvania regiment

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wealth.*

of the same, and John Vernon, children of Nathaniel Vernon, late of the county aforesaid, esquire, one of the persons attainted of high treason by the laws of this commonwealth, by his petition hath shewn, that however guilty their father may have been of a crime to occasion the forfeiture of his estate; yet that the petitioner and his said brethren have ever demeaned themselves as good citizens, and have manifested their attachment to this state, the said Job and Frederick, particularly by engaging ever since the commencement of hostilities in actual service, as officers in the continental army, and the said Thomas, by commanding a company of the militia of this state; (the said John Vernon being under the age of eighteen) and therefore hath prayed that they may not be reduced to indigence on account of their father's transgressions, but that his estate (subject to the payment of his debts) may be vested and established in the said four brethren.

SECT. 2. *And whereas* the facts set forth in the said petition appear to be true.

Nathaniel  
Vernon's  
estate veil-  
ed in his  
four sons.

SECT. 6. *Be it therefore enacted, and it is hereby enacted,* by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all and every the estate and estates, rights, titles, interests and possessions, real and personal, of the said Nathaniel Vernon, whereof he stood seized or possessed, or to which he was entitled at the time of his attainder, (except such parts of the said personal estate as have been sold before the passing of this act, in pursuance of the said act of attainder) be, and they are hereby vested, granted, confirmed and established to the aforesigned Thomas Vernon, Job Vernon, Frederick Vernon, and John Vernon, their heirs, executors, administrators and assigns for ever, equally to be divided between them, share and share alike, as tenants in common and not as joint tenants, to the only proper use and benefit of them the said Thomas, Job, Frederick and John, their heirs, executors, administrators and assigns for ever.

Proviso.

SECT. 4. *Provided always, and be it enacted by the autho-  
rity aforesaid,* That the said estate shall be liable to the discharge of all the just debts and dues of all and every person or persons in like manner, as the same was or is liable and subject by the laws of this state in the hands of the supreme executive council, and liable also to the just charges and expences which have been necessarily incurred in, pursuance of the said attainder, and the consequent for-  
feiture and seizure thereof; the same to be settled and esta-  
blished by the justices of the supreme court by claims to  
them

them exhibited in like manner, as the claims of persons against other forfeited estates, and that the claims already settled and allowed by the same justices be binding upon the said estate; and that executions shall, and may issue upon the decrees of the said justices against the same estate or any part thereof in default of payment.

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wealth.

**JOHN BAYARD, SPEAKER.**

*Enacted into a law at Philadelphia, on Wednesday the  
6th day of October, in the year of our Lord 1779.*

*JOHN MORRIS, junior, clerk of the general assembly.*

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**C H A P T E R CXX.**

*A supplement to the act, intitled, "An Act to prevent the  
"exportation of bread and flour not merchantable," and  
"to the act which is an amendment thereof.*

Passed October 6th, 1779. Recorded in Law Book Vol. I. Page 294, &c.  
Repealed April 5th, 1781.

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**C H A P T E R CXXI.**

*An ACT to permit the making of whiskey and other spirits  
from rye, barley, or the malt made thereof, under certain  
restrictions therein mentioned; and to prohibit the distilling  
any whiskey or other spirits from any other grain, meal,  
malt or flour.*

Passed October 8th, 1779. Recorded in Law Book Vol. I. Page 279, &c.  
Expired.

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**C H A P T E R CXXII.**

*An ACT to establish and confirm the estate of Thomas  
Beans, in several lands and tenements in this state.*

**SECTION I.** WHEREAS Thomas Beans, of Abington township, in the county of Philadelphia, yeoman, hath represented to the general assembly of this commonwealth, that he is seized and possessed of one messuage or tenement and tract of land, containing one hundred and forty five acres of land, in Abington township aforesaid, which he purchased of Henry Shisler, and wife, bounded by lands of Richard Wilton, the township line or road between Abington and

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and lower Dublin, lands of William Roberts, Thomas King, and Moses Vancourt, and by Pennypack creek; one hundred and twelve acres and a half in Southampton township, in the county of Bucks, purchased of Elizabeth Fletcher, bounded by land of the Baptist meeting house, of Daniel Hoogland and Wilhelmus Cornell, by the street road, and lands of Stephen Watts and Charles Garrison; and two hundred acres and fifty two perches of land, in Warminster township, Bucks county, purchased of Thomas Dungan and wife, bounded by the middle of the said road, opposite to the lands of Thomas Cravan, John Brooks, and Giles Craven; by another road, opposite to lands of Joseph Hart, and by lands of Jonathan Walton, and Thomas Dungan:

*SECT. 2. And whereas* at the time of the British invasion of this state, the said Thomas Beans, with the intention of providing for the safety of his title deeds, buried the same under ground, from whence they have come out much defaced, and in many material places rendered illegible, as upon the view and examination thereof has appeared to a committee of this house: And the said Thomas Beans has humbly prayed for the aid of the legislature to establish by law his right and title to the lands and tenements he is in possession of under the aforesaid deeds, notwithstanding the defect and imperfection of the same, and has complied with the directions of the general assembly, by giving public notice of his said application in one of the English and in one of the German newspapers, printed in the city of Philadelphia.

Thomas Beans's title confirmed in his several lands.

*SECT. 3. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That the messuages, lands and tenements aforesaid, to wit, the messuage or tenement, and one hundred and forty five acres of land in Abington; the messuage or tenement and one hundred and twelve and a half acres of land, in Southampton; and the messuage or tenement and two hundred acres and fifty two perches of land in Warminster, with the appurtenances respectively, are and shall be vested in the said Thomas Beans and his heirs. And that the said Thomas Beans and his heirs now do stand, and from and after the publication of this act, shall stand seised of the said premises, and of every part and parcel thereof, with the appurtenances; to and for the only proper use and behoof of the said Thomas Beans, his heirs and assigns for ever: Subject to such quit rents, or other rents, estates and incumbrances, as are or may be legally charged on the same,

Subject to incumbrances.

same, or any part or parcel thereof. And that all persons having and claiming any estate of property and inheritance in the same premises, or any part or parcel thereof, shall, within the space of one year, from the publication of this act, make their claim by bringing a real action or ejectment against the said Thomas Beans, his heirs or assigns, or the tenant or occupiers of the said lands, or otherwise, from all future claims, shall be excluded and for ever debarred, except feine coverts, persons under age, imprisoned or beyond the seas, who shall make their claim within one year after the said incapacities shall be removed, or otherwise they shall be debarred as aforesaid.

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JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
8th day of October, in the year of our Lord 1779.*  
JOHN MORRIS, junior, clerk of the general assembly. §

### C H A P T E R CXXIII.

*An ACT to establish and confirm the estate of John Sommers, in several lands and tenements in this state.*

SECTION 1. WHEREAS John Sommers of the Preamble. manor of Moreland, in the county of Philadelphia, yeoman, hath represented to the general assembly of this commonwealth, that he is seised and possessed of sundry lands and tenements in the said manor of Moreland, bounded as followeth, viz. ninety two acres thereof adjoining Samuel Swift, William Walton, Jonathan Wilson, a road to New Town and Henry Walton's land; about seven acres part thereof at a place called Smithfield, adjoining the New Town road and lands of John Britain and Isaac Comely; one acre and twenty two perches of land adjoining the road to the Crooked Billet by the said New Town road and the said John Britain; and eighty two perches of land adjoining the said Henry Walton and John Dorley.

SECT. 2. And whereas at the time of the British invasion of this state, the said John Sommers, with the intention of providing for the safety of his title deeds, buried the same under ground, from whence they have come out much defaced, and in many material places rendered illegible, as upon the view and examination thereof has appeared to a committee of this house.

M m m

SECT.

## HIS EXCELLENCY

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*The third Year  
of the Commonwealth.*

SECT. 3. And the said John Sommers has humbly prayed for the aid of the legislature, to establish by law his right and title to the lands and tenements he is in possession of under the aforesaid deeds, notwithstanding the aforesaid defects and imperfections of the same; and has complied with the directions of the general assembly, by giving public notice of his said application in one of the English, and in one of the German newspapers, printed in the city of Philadelphia.

*John Sommers' title confirmed.*

SECT. 4. Therefore be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the messuages, lands and tenements aforesaid, with the appurtenances, respectively are, and shall be vested in the said John Sommers and his heirs: And that the said John Sommers and his heirs now do stand, and from and after the publication of this act shall stand seised of the said premises, and of every part and parcel thereof, with the appurtenances to and for the only proper use and behoof of the said John Sommers, his heirs and assigns for ever: Subject to such quit rents or other rents, estates and incumbrances as are or may be legally charged on the same or any part or parcel thereof: And that all persons having and claiming any estate of property and inheritance in the same premises, or in any part or parcel thereof, shall within the space of one year from the publication of this act, make their claim by bringing an ejectment or real action against the said John Sommers, his heirs or assigns, or the tenants and occupiers of the said lands or otherwise from all future claim, shall be excluded and for ever debarred, except feme coverts, persons under age, imprisoned or beyond sea, who shall make their claim within one year after their said incapacities shall be removed, or otherwise they shall be debarred as aforesaid.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
8th day of October, in the year of our Lord 1779.*

JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER CXXIV.

*An ACT for the more effectually preventing engrossing and  
forestalling, for the encouragement of commerce and the fair  
trader, and for other purposes therein mentioned.*

Passed October 8th, 1779. Recorded in Law Book Vol. I. Page 298, &c.  
Repealed March 22d, 1780.

CHAP-

## CHAPTER CXXV.

1779.

*An ACT to enable the sheriff of the city and county of Philadelphia, for the time being, to confine prisoners in the old goal in the said city.*

*The third Year  
of the Common-  
wealth.*

SECTION 1. WHEREAS in and by an act of assembly of this commonwealth, preamble.

passed the twenty seventh day of August, in the year of our Lord one thousand seven hundred and seventy eight, intitled "An Act to indemnify William Dewees, esq; the late sheriff, and James Claypoole, esq; the present sheriff of the city and county of Philadelphia, for removing the prisoners from the new goal, and imprisoning them and others in the old goal of the city of Philadelphia," it is enacted, that the sheriffs of the city and county aforesaid may keep and hold prisoners in the goal of the said city and county, from the time of passing the said act, for and during the term of one year.

SECT. 2. And whereas it is necessary to enable the said sheriffs to confine prisoners in the said goal for a longer time, and to indemnify James Claypoole, esq; the present sheriff of the said city and county, for imprisoning sundry persons in the said goal, after the expiration of one year, from and after the passing of the said act :

SECT. 3. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the sheriff of the city and county aforesaid, for the time being, may keep, hold and imprison in the said old goal, all traitors, felons, criminals and debtors, who are or shall be liable by the laws of this commonwealth, to be holden, kept and imprisoned in the goal of the said city and county, for and during the times in their respective commitments warranted, by the said laws mentioned and expressed ; any thing in the before recited law to the contrary in any wise notwithstanding.

SECT. 4. And be it further enacted by the authority aforesaid, That the said James Claypoole, esq; the present sheriff of the said city and county and his deputies, shall be, and they are hereby indemnified and saved harmless against all and all manner of suits and actions which may be brought against him, them or any of them, for or by reason of the keeping and imprisoning of any person or persons that now are imprisoned or have been imprisoned in the said goal, since the twenty seventh day of August last, who ought to have been imprisoned in the goal of the said city and county, and that if any such suit or action shall be

Sheriff may  
confine pri-  
soners in  
the old jail.

Sheriff in-  
demnified.

## HIS EXCELLENCE

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 of the Common-  
 wealth.  
 Proviso.

be brought against him or them, the same is hereby declared to be barred.

SECT. 5. *Provided*, That nothing herein contained shall be deemed or taken to disannul or make void the said recited act, or any clause, article, matter or thing therein contained, except what is hereby altered or supplied, but that the same articles, clauses, matters and things not hereby altered or supplied, shall be, and remain in full force and virtue.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
 8th day of October, in the year of our Lord 1779.*  
 JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER CXXVI.

*An ACT for dissolving the marriage of James Martin  
 with Elizabeth his wife.*

Preamble. SECTION I. WHEREAS James Martin of the city of Philadelphia, by his petition hath shewn, that during his absence from the said city, at the time when the British army were in possession thereof, his wife Elizabeth resorted among the British soldiers, and took one serjeant Havell of the British army into his, the said James Martin's house and bed, and cohabited with the said Havell as his wife; declared the said Havell to be her husband, and passed by his name until the British troops left the city, when she went off with the said Havell, taking with her the said James Martin's effects, and leaving him to pay sundry debts of her contracting; and therefore by his said petition hath prayed that he may be divorced from the said Elizabeth his wife, and their marriage dissolved, so that he may be relieved in future from any charges for her maintenance or any debts of her contracting, and that he may be hereafter enabled to marry again.

SECT. 2. *And whereas the several facts set forth in the said petition have been fully proved on oath by sundry witnesses, and due notice hath been given by advertisements in the public newspapers, to the end that any person or persons might now shew cause why the prayer of the said petition should not be granted, and nothing appearing to the contrary.*

SECT. 3. *Be it therefore enacted, and it is hereby enacted, by  
 the*

*the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That from and after the date hereof, the marriage of the said James Martin with Elizabeth his wife, and all and every contract and celebration of marriage had, made or concluded by and between them, be, and they and every of them, are hereby enacted and declared to be dissolved, and from henceforth null and void to all intents and purposes whatsoever, as if the same had never been contracted, made or celebrated; and that from henceforth all and every the duties, rights and claims accruing to either of the said parties, at any time heretofore in pursuance of the said marriage shall cease and determine, and that the said James Martin shall and do cease from being the husband of the said Elizabeth, and the said Elizabeth Martin from being the wife of the said James in law and in fact for ever.

SECT. 4. *Provided always nevertheless,* That nothing herein contained shall be construed to extend to, or affect or render illegitimate any children born of the body of the said Elizabeth, during her coverture with the said James.

SECT. 5. *And be it further enacted by the authority aforesaid,* That from and after the date hereof, the said James Martin be, and he is hereby freely, fully and entirely authorized and empowered to contract matrimony and the same in due form to celebrate with any other woman in like manner as he the said James, if he had never been married to the said Elizabeth, lawfully might or could do.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
8th day of October, in the year of our Lord 1779.*

*JOHN MORRIS, junior, clerk of the general assembly.*

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of the Common-  
wealth.

Marriage of  
James Mar-  
tin dissolv-  
ed.

Proviso, as  
to the chil-  
dren.

James Mar-  
tin impow-  
ered to  
marry a-  
gain.

## C H A P T E R CXXVII.

*A supplement to "An Act for the more easy and speedy  
" recovery of small debts."*

Passed October 9th, 1779. Recorded in Law Book Vol. I. Page 305, &c.  
Expired.

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of the Common-  
wealth.

Preamble.

## HIS EXCELLENCY

## CHAPTER CXXVIII.

*An ACT for continuing an act, intitled, "An Act for the  
more easie recovery of legacies."*

SECTION I. WHEREAS an act of assembly, passed  
on the twenty first day of March,  
which was in the year of our Lord one thousand seven  
hundred and seventy two, intitled, "*An Act for the more  
easie recovery of legacies,*" has been found a good and  
wholesome law, and fit to be perpetuated; and the same  
being nearly expired by its own limitation:

ACT made  
perpetual  
SECT. 2. Be it therefore enacted, and it is hereby enacted,  
by the representatives of the freemen of the commonwealth  
of Pennsylvania, in general assembly met, and by the authority  
of the same, That the said act, and every thing therein con-  
tained, save the clause limiting the continuance thereof, is  
hereby made perpetual.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the  
9th day of October, in the year of our Lord 1779.*

JOHN MORRIS, junior, clerk of the general assembly.

## CHAPTER CXXIX.

*An ACT for procuring an immediate supply of provisions for  
the purposes herein mentioned.*

Passed October 9th, 1779. Recorded in Law Book Vol. I. Page 305, &c.  
Expired.

## CHAPTER CXXX.

*An ACT to impower the supreme executive council and  
justices of the supreme court, to apprehend suspected per-  
sons, and to increase the fines to which persons are liable to,  
for neglecting to perform their tour of militia duty.*

Passed October 10th, 1779. Recorded in Law Book Vol. I. Page 307, &c.  
Expired.

## CHAPTER CXXXI.

*An ACT for raising the additional sum of five millions seven  
hundred thousand dollars, for the current year one thousand  
seven hundred and seventy nine.*

Passed October 10th, 1779. Recorded in Law Book Vol. I. Page 308, &c.  
Obsolete.

LAWS

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of the Common-  
wealth.

## L A W S

Enacted in the first sitting of the fourth general assembly of the commonwealth of *Pennsylvania*, which met at *Philadelphia*, on *Monday*, the twenty fifth day of *October*, in the year of our Lord 1779.

## CHAPTER CXXXII.

*An ACT for regulating chimney sweepers within the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties of the city of Philadelphia.*

SECTION 1. WHEREAS the houses and estates of the inhabitants of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties of the city of Philadelphia, are frequently endangered by chimnies taking fire, and blazing out at the top ; and great complaints have been made for want of a proper regulation among those who undertake the sweeping of chimnies : For remedy whereof,

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That no person or persons from and after the tenth day of December next, shall follow the busines or occupation of a chimney sweeper, either by himself, his servants, negroes, or others, within the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties aforesaid, without having first made application to the officer herein after directed to be appointed, and having registered, or caused to be registered, his or their name or names, and the name or names of his or

No person to follow  
chimney  
sweeping in  
the city,  
&c. unless  
he register  
himself, ser-  
vants, &c.

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 wealth.

or their servants, negroes or other persons aforesaid, with a number affixed to each and every such name, in a book by the said officer to be kept for that purpose, and without procuring and receiving from the said officer a certificate of every such registry, containing the number and the name of every person so entered, under the penalty of fifteen pounds for every day he shall follow by himself, or cause to be followed by his servants, negroes, or others, the said business; which said certificates the said officer is hereby enjoined and required to make out, under his hand, and to deliver to the person or persons who shall apply for the same; and for every such registry and certificate, he shall receive the sum of three pounds, and no more.

under the  
 penalty of,  
 &c.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That every person following the business aforesaid, within the said city, district and liberties, shall (if he follows the employment himself) wear, or (if he employs his servants, negroes or others) cause to be worn, on the front of their caps, in full view, without any concealment, the same figures and numbers respectively, as shall be so as aforesaid entered in the said book, and contained in his or their respective certificates, and none other, in large figures, not less than two inches in length, to be made of strong durable tin or copper; and that all and every person and persons, who shall follow the said business or employment, by him or themselves, or by his or their servants, negroes, or others, not having the said number fixed on his or their cap and caps, and the cap and caps of his and their servants, negroes, and other persons aforesaid, according to the directions aforesaid, or, when fixed, shall wilfully deface or conceal the same, or shall neglect to keep them plain and visible, shall, for each and every such offence, forfeit and pay the sum of fifteen pounds for every day he or they shall follow the said employment, not wearing the said number as aforesaid.

Penalty for  
 not sweep-  
 ing chim-  
 nees in 48  
 hours after  
 being re-  
 quired.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That if any person or persons undertaking the business or occupation aforesaid, shall not within forty eight hours after application to him or them made, by any of the inhabitants of the said city, district or Northern Liberties, sweep, or cause to be swept, such chimney or chimneys, as he or they shall be required to sweep, every such person or persons so offending, shall forfeit and pay the sum of fifteen pounds.

Reward for  
 sweeping,  
 &c.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That every chimney sweeper shall have and receive,

ceive, for every chimney by him swept, within the city of Philadelphia, and for every chimney by him swept in the district and liberties aforesaid, not more than one mile distant from the northern and southern boundaries of the said city, a sum not exceeding forty five shillings.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That if the chimney of any person or persons within the said city, district or liberties, shall take fire, and blaze out at the top, the same not having been swept within the space of one kalendar month, next before the time of taking such fire, every such person or persons shall forfeit and pay the sum of fifteen pounds, and if any chimney shall take fire, and blaze out at the top, the same having been swept within one kalendar month from the time of such taking fire, the person who swept the same, either by himself, his servants or negroes, shall forfeit and pay the sum of fifteen pounds.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That every person who shall follow the busines or occupation of a chimney sweeper, either by himself, his servants, negroes or others within the said city of Philadelphia, the district of Southwark, or the township of the Northern Liberties, shall pay unto the officer herein after directed to be appointed, the sum of ten shillings for every working day from and after the publication hereof, until the first day of April next ensuing, and thereafter from the first day of October till the first day of April in each and every year during the continuance of this act, for his care and trouble in the execution thereof.

**SECT. 8.** And, to the end that the regulations by this act prescribed may be executed, *Be it enacted by the authority aforesaid,* That any three of the justices of the peace of the said city and county, together with the wardens of the said city, shall appoint the officer for registering and granting certificates to chimney sweepers, and for collecting of the said fines or forfeitures, who is hereby strictly required to do and perform the several duties of the said office enjoined by this act.

**SECT. 9.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the justices of the peace for the city and county of Philadelphia, or any three or more of them, in open court of quarter sessions, or at any other time, to regulate, lessen or increase, and fix the prices for sweeping of chimnies, in such manner as to them shall appear just, and under their hands, from time to time to publish the same, in one or more of the newspapers, so that all concerned may govern themselves ac-

Ooo cordingly;

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wealth.

Penalty on  
Persons let-  
ting their  
chimnies  
blaze out at  
the top.

Each sweep-  
er to pay  
the officer  
10 shillings  
per day.

Three justi-  
ces of Phi-  
ladelphia  
with the ci-  
ty wardens  
to appoint  
the officer.

Three justi-  
ces to fix  
the price of  
sweeping,  
&c.

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of the Common-  
wealth.**Distributi-  
on and  
mode of re-  
covering  
the penal-  
ties.**Not to ex-  
tend more  
than one  
mile with-  
out the city  
of Philadel-  
phia.**Repeal of  
former laws  
for the  
same pur-  
pose.**Limitation.*

cordingly; any thing in this act, in that respect contained, to the contrary in any wise notwithstanding.

SECT. 10. *And be it further enacted by the authority aforesaid,* That all and every the penalties and forfeitures, imposed by virtue of this act, shall be paid, one half thereof to the use of the officer aforesaid, and the other half thereof to the overseers of the poor of the said city, district or township, where the offence shall be committed, for the use of the poor thereof, to be sued for in the name of the officer, and recovered before any justice of the peace for the said city and county, who is hereby authorised to hear, try, and determine the same.

SECT. 11. *Provided always,* That nothing in this act shall extend or be construed to extend, to a greater distance than one mile from without the bounds of the city of Philadelphia.

SECT. 12. *And be it enacted by the authority aforesaid,* That so much of the act of general assembly, passed in the year one thousand seven hundred and twenty one, intitled, "An Act for preventing accidents that may happen by fire," and of the act of general assembly, passed in the year one thousand seven hundred and fifty one, intitled, "An Act for the more effectual preventing accidents which may happen by fire, and for suppressing idleness, drunkenness, and other debaucheries," as relates to the firing of chimnies within the said city, and one other act of general assembly, passed the twenty first day of March, one thousand seven hundred and seventy two, intitled, "An Act for regulating chimney sweepers within the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties," shall be, and are hereby declared to be repealed.

SECT. 13. *And be it further enacted by the authority aforesaid,* That this act shall continue and be in force for and during the term of seven years next ensuing, and from thence to the end of the next sitting of general assembly, and no longer.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the*

*26th day of November, A. D. 1779.*

*THOMAS PAINE, clerk of the general assembly.*

## CHAPTER CXXXIII.

*An ACT for raising the sum of two millions five hundred thousand dollars monthly, during eight months, in the year one thousand seven hundred and eighty, for the supply of the treasury of the united states of America, and the treasury of this state.*

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The third Year  
of the Commonwealth.

SECTION 1. WHEREAS the honourable congress, by an act of their body, dated the fourth day of October last, did call upon the several states to raise in such manner as each state may judge expedient, sufficient sums to enable the said states to pay into the continental treasury, or to the order of congress, on or before the first day of February next, and on or before the first day of each succeeding month, until the first day of September next inclusive, their respective proportions of fifteen millions of dollars.

SECT. 2. And whereas the proportion of this state, for the present, is set at two millions three hundred thousand dollars, and it is highly proper that the good people of this commonwealth should exert themselves in furnishing this necessary supply.

SECT. 3. And whereas it is expedient that the tax which will be proper for raising the monies aforesaid be grafted upon the returns made or to be made, for the tax now levying in this state, by virtue of an act, intitled, "An Act for raising the additional sum of five millions seven hundred thousand dollars, in the year one thousand seven hundred and seventy nine," whereby much expence and trouble, and also much time will be saved, and yet the payment thereof be sufficiently equal.

SECT. 4. And whereas it is necessary that the treasury of this state be also supplied.

SECT. 5. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That in the month of January next, and so in every succeeding month after, for and during eight months ending on the thirty first day of August next, there shall be charged upon and collected of every person in this state, who is or shall be rated, assessed and charged, in any of the counties of this state, with any part of the said sum of five millions seven hundred thousand dollars, or for the tax on ready money, by virtue of the act aforesaid, or who was or ought to be liable to, and chargeable therewith, a sum of money amounting to one half part of the whole amount of the

A monthly  
tax to be-  
gin in Ja-  
nuary next,  
and conti-  
nue eight  
months.

1779.

*The third Year  
of the Common-  
wealth.**Duty of the  
commission-  
ers and  
treasurers.**Powers and  
reward of  
the com-  
missioners,  
&c.**If delay  
happens,  
authority  
to contin-  
ue.*

the tax, which such person was or is, or ought to be chargeable with, and liable to pay, as aforesaid.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That the commissioners of the several and respective counties of this state shall cause to be written and made out fair duplicates of the names and surnames and sums of money, chargeable by virtue of this act, monthly, as aforesaid, of and on all persons within their respective counties, and shall deliver a counterpart thereof, with proper warrants and directions to the collector of the county, and the said collector shall proceed to collect the same in the manner, and within the time herein before specified, and shall pay at the end of every month the same, without delay, to the treasurer of the proper county; and the treasurers of the several counties of this state shall immediately after they receive the monies by virtue of this act, or any part thereof, transmit and pay the same to the treasurer of this state, to be by him paid over to the amount of eighteen millions four hundred thousand dollars, to the treasurer of the united states, or to the order of congress, for the support of the federal army and navy, the state treasurer retaining in his hands the residue of the tax imposed by this act, for the use of this state, subject to the disposal of the house of assembly.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the commissioners of the several counties of this state shall have and exercise like authority to enforce the collection and payment of the said tax, and that like fines and penalties shall be incurred by delinquent commissioners, collectors, and county treasurers, to be imposed and levied on such delinquents, in like manner and by like process as are directed in like cases, in and by the act before mentioned; and that all necessary powers for the effectual and timely raising, collecting, and bringing into the treasury of this state, the said sum of two millions five hundred thousand dollars, by monthly payments as aforesaid, and the like reward for the services done in execution of this act, shall be exercised, and used as were authorised, given and directed to be exercised, and used in the execution of the act of assembly herein before mentioned; or of an act of assembly, intitled, "An Act for raising the supplies for the year one thousand seven hundred and seventy nine," in similar cases, and for like purposes.

**SECT. 8.** *Provided always, and be it further enacted by the authority aforesaid,* That if by reason of any unavoidable delay, the sums hereby directed to be levied, collected and paid, shall not be levied, collected and paid in the several months

months herein before provided, according to the intent of this act, that in such case the same shall be levied, collected and paid as soon after as may be, and applied in the manner herein before mentioned and directed.

SECT. 9. *Provided also,* That if any person, liable to pay the monthly assessments aforesaid, shall be disposed to advance the sums he or she is liable to pay, in any other month or months than the monthly tax demanded of him or her, the collector upon tender thereof shall be obliged to receive and give a discharge for the same.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the  
25th day of November, A. D. 1779.*  
THOMAS PAINE, clerk of the general assembly.

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*The third Year  
of the Commonwealth.*

## C H A P T E R CXXXIV.

*An ACT more effectually to prevent counterfeiting the continental loan office certificates, the continental loan office bills of exchange, and the paper money of the united states of America, or any of them.*

SECTION 1. WHEREAS the want of a sufficient Preamble. **W**HICH quantity of gold and silver to answer the purposes of commerce, the exigencies of government, and to carry on the present just and necessary war against the king of Great Britain, induced the congress of the united colonies and now states of America, and also the assemblies, congresses and conventions, of the several thirteen colonies and now states of America, to emit and circulate certain paper bills of credit to pass in payments for limited periods, the counterfeiting of which, or the uttering the same so counterfeited as and for true, good and genuine bills, knowing the same to be so counterfeited, hath usually been made felonies in these united states respectively.

SECT. 2. And whereas by an act, intitled, "An Act for making the continental bills of credit, and the bills of credit emitted by resolves of the late assemblies, legal tender, and for other purposes therein mentioned," the counterfeiting of such paper bills of credit, or uttering any of them so counterfeited, knowing them to be such, which were issued before the twenty eighth day of January, in the year one thousand seven hundred and seventy seven, are made felonies.

P p p

lonies

Recital of  
two former  
acts.

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of the Common-  
wealth.

laries of death without benefit of clergy ; and the counterfeiting the bills of credit of this commonwealth made and issued by virtue of an act, intituled, “An Act for emitting “the sum of two hundred thousand pounds in bills of credit “for the defence of this state, and providing a fund for sinking “the same, by a tax on all estates real and personal, and “on all taxables within the same,” or emitted and made current by the resolves of the late assemblies of Pennsylvania, or the uttering such bills, knowing them to be counterfeit as aforesaid, is by the said act made a felony of death, but not ousting the benefit of clergy.

*Recital of a former act.* SECT. 3. *And whereas* the counterfeiting the certificates of the continental loan offices, or any of the bills of credit emitted by the resolves of the congress of the united states, or selling, giving in payment, or otherwise uttering or distributing any of the said counterfeit certificates or bills of credit, knowing them to be such, is by an act, intituled, “An Act for punishing the counterfeiting “the continental loan office certificates and lottery tickets,” made a felony of death, not ousting clergy ; and the counterfeiting any of the said paper bills of credit, or continental loan office certificates, or uttering any of them, knowing the same to be so counterfeited, which have issued since the twenty fifth day of May, one thousand seven hundred and seventy eight, and also the counterfeiting or uttering as aforesaid, any of the continental loan office bills of exchange, is punishable only by the common law.

SECT. 4. *And whereas* it is just and right that offences and crimes of equal enormity and guilt should receive the like punishments, and it highly interests each of the united states, by all means in their power, to provide against the debasing of their medium of commerce,

*Enumeration of divers capital crimes, punishable with death.* SECT. 5. *Be it therefore enacted, and it is hereby enacted,* by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the publication of this act, if any person or persons shall, within this state or elsewhere, prepare, engrave, stamp, forge or print, or cause or procure to be prepared, engraved, stamped, forged or printed, the counterfeit resemblance of any paper bills of credit, issued, emitted or made by the congress of the united states of America, or by the assemblies, congresses, conventions, or other legislative authority, of this or of any other of the said states, or which shall be issued, emitted or made by them respectively, on or before the first day of January, now next ensuing, or of any of the certificates

cates of the several continental loan offices, or continental loan office bills of exchange, issued or made, or which shall at any time hereafter be issued or made, or shall counterfeit or sign the name or names of the signers of any true bills or loan office certificates, or continental loan office bills of exchange, to such counterfeit paper, with an intention that such counterfeit paper shall be passed in payments, or received as genuine and good bills, certificates or bills of exchange, whether the same be so passed or received or not; or if any person or persons shall in this state pass, pay or tender in payment any such counterfeit money or certificates, or bills of exchange, or deliver the same to any other person or persons, with an intention that they be passed, paid or received, as and for good and genuine, knowing the same to be forged or counterfeited, every such person being thereof lawfully convicted or attainted, in any court of oyer and terminer within this state, by verdict of a jury, or confession of the party offending, or being indicted thereof, shall stand mute, or not directly answer to the indictment; or shall peremptorily challenge more than the number of twenty persons legally returned to be of the jury for the trial of such offender, shall be adjudged a felon, and shall suffer death without benefit of clergy. And if any person or persons shall counterfeit any of the said bills of credit, loan office certificates or bills of exchange, by altering the denomination thereof, with design to increase the value of such bills, certificates or bills of exchange, or shall utter such bills, certificates or bills of exchange, knowing them to be so counterfeited or altered as aforesaid, and shall be thereof legally convicted in any court of record in this state, such person or persons shall be sentenced to the pillory, and have both his or her ears cut off, and nailed to the pillory, and be publicly whipped on his or her bare back, with thirty nine lashes well laid on; and moreover every such offender shall forfeit the sum of two thousand pounds lawful money of Pennsylvania, to be levied on his or her lands and tenements, goods and chattels, the one moiety to the use of the state, and the other moiety to the discoverer; and the offender shall pay to the party grieved double the value of the damages thereby sustained, together with the costs and charges of the prosecution; and in case the offender hath not sufficient to satisfy the discoverer for his or her damages and charges, and to pay the forfeiture aforesaid, in such case the offender shall, by order of the court where he or she shall be convicted, be sold as a servant, for any term not exceeding seven years, for satisfaction,

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wealth.

Enumeration  
of divers  
inferior  
crimes, pu-  
nishable  
with pillor-  
ing, whip-  
ping, fine,  
&c.

## HIS EXCELLENCE

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*The third Year  
of the Commonwealth.**Penalty on  
persons  
making or  
imitating  
money pa-  
per.*

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall within this state prepare or make any paper of the similitude or likeness of the paper prepared or made for and used by the congress of the united states of America, or the person or persons employed by them, for the purpose of striking their paper bills of credit, continental loan office certificates, or continental bills of exchange upon, and on which the same are or shall be struck, printed or made; or if any person or persons shall within this state prepare or make any paper of the similitude or likeness of the paper prepared or made for and used by the legislative authority of this state, for the purpose of striking their paper money upon, and on which the same is or shall be printed and made; and shall give, sell, deliver or otherwise employ or willingly suffer the same to be taken by or delivered, or otherwise disposed of to any person or persons whomsoever, except to congress or to the legislature of this state, or of some other of the united states, or to their order or the order of some person or persons authorised by them respectively; he, she or they, being legally convicted thereof in any court of record in this state, shall be imprisoned at the discretion of the court, and moreover shall forfeit all his, her or their goods and chattels, and one moiety of the lands to the use of this commonwealth.

*Reward for  
apprehend-  
ing offend-  
ers.*

**SECT 7.** *And be it enacted by the authority aforesaid,* That if any person or persons shall take and prosecute any of the herein before mentioned felons to conviction within this state, upon every such conviction and procuring a certificate thereof, under the hands of the judges, before whom the conviction shall be, or either of them, which the said judges are hereby directed and required to give, such person or persons shall receive of the treasurer of this commonwealth, the sum of one hundred pounds lawful money of this state, which the said treasurer is hereby directed and required to pay out of the public money in his hands, and the same shall be allowed to him at the settlement of his accounts.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
26th day of November, A. D. 1779.  
THOMAS PAINE, clerk of the general assembly.*

## CHAPTER CXXXV.

1779.

*The third Year  
of the Commonwealth.*

*An ACT for the effectual suppression of public auctions and vendues; and to prohibit male persons, capable of bearing arms, from being pedlars or hawkers.*

SECTION 1. WHEREAS the practice of selling goods and merchandises, by public auction or vendue, in the present embarrassed state of commerce, occasioned by the war now carrying on between the united states of America and Great Britain, hath been made use of as a device for enhancing the prices of commodities, and of depreciating the bills of credit of this state, and of the united states of America.

Preamble.

See chapter  
183.

SECT. 2. And whereas the restrictions and prohibitions heretofore laid upon sales by auction or vendue, have not proved effectual: For remedy whereof,

SECT. 3. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the publication of this act, no goods, wares or merchandises, or other property whatsoever (except as is herein after excepted) shall be offered or exposed to sale, or sold by public auction, vendue, or outcry, in any place within the territories of this commonwealth, by any person or persons whatsoever.

No goods to  
be sold by  
auction or  
vendue, ex-  
cept, &c.

SECT. 4. And be it further enacted by the authority aforesaid, That if any person or persons shall, contrary to the directions of this act, offer or expose to sale, or shall sell by public auction, vendue or outcry, within this commonwealth, any goods, wares, or merchandises or property (except as is herein after excepted) he, she or they so offending, shall forfeit and pay for every such offence, a sum of money equal to the value of the goods, wares or merchandises, and other property, so offered or exposed to sale, or so sold by public auction, vendue, or outcry, to be recovered by action of debt, or by indictment, by any person who will sue or prosecute for the same; the one half part thereof to the use of the person so suing or prosecuting, and the other half part thereof to the use of the overseers of the poor, of the city or place where the offence shall be committed.

Distributi-  
on of the  
penalty.

SECT. 5. Provided always, That this act shall not be construed to extend to sales at public auction or vendue, which shall be made by any sheriff or other officer, in the execution of his office, who is not specially restricted by this act, nor to sales by public auction or vendue, holden by executors or administrators, of any real or personal

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wealth.*

estate which were *bona fide* of their respective testators or intestates; nor to the sale of lands, houses and other real estate; nor to the sale of the household goods (which have been in ware and use) horses, cattle and live stock; being the *bona fide* property of resident housekeepers, actually removing from any township or district of this state to another, or out of the state.

Sales to be  
as follows.

SECT. 6. *Provided nevertheless,* That all sales by public auction, vendue or outcry, permitted by this act, which shall be holden or made within the city of Philadelphia, or within two miles of the courthouse in High street, in the said city, other than the sales by sheriffs and other officers, executors and administrators as aforesaid, shall be holden and made in the manner herein after limited and directed, and not otherwise.

SECT. 7. And although a monopoly of the sale of goods by public auction or vendue, in time of peace and order, as the same was heretofore established in the city of Philadelphia, might be an unjustifiable limitation of private right, and productive of inconvenience, yet for the more effectual attainment of the purposes of this act, within the city of Philadelphia, and the vicinity of the same, it is necessary that a sole auctioneer be established in the said city, during the continuance of the restraint introduced by this act.

Mode of ap-  
pointing an  
auctioneer.

SECT. 8. *Be it therefore enacted by the authority aforesaid,* That the sale by public auction, vendue or outcry, within the said city, and within two miles of the said court house, from and after the publication of this act, of all lands and other real estate, and of all other property permitted by this act, to be sold by public auction, vendue or outcry, other than the sales by sheriffs and other officers, executors and administrators as aforesaid, shall be performed by an officer who shall be appointed and commissioned for that purpose by the supreme executive council, and who shall be styled *The Auctioneer of the city of Philadelphia*; and if any person or persons, other than the said auctioneer, his deputy or assistants, shall in the said city, or within two miles of the said court house, offer or expose to sale, or shall sell by public auction, vendue or outcry, any lands, houses or other property, permitted by this act to be sold by public auction, vendue or outcry as aforesaid, he, she or they so offending, shall forfeit and pay for every offence, a sum of money equal to the value of the lands, houses, goods and other property so offered or exposed to sale, or so sold by public auction, vendue or outcry, to be recovered by action of debt, or by indictment, in like manner, and to like

Penalty on  
any other  
person sel-  
ling by auc-  
tion.

ute,

use, as in the case of persons who shall sell by public vendue, any goods by this act prohibited to be sold as aforesaid.

**SECT. 9.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said auctioneer, to enquire diligently after all offences against this act, which shall be committed within his jurisdiction, as above described, and to inform against the offenders, and to recover the penalties directed and provided by this act, but not exclusive of any other person who will sue or prosecute for the same; and the said auctioneer shall, before he enter upon the duties of his said office, become bound with two sufficient sureties, unto the president of the supreme executive council of this state, in the sum of twenty thousand pounds, conditioned for the faithful performance of the duties required of him, and for the honest and just satisfaction and payment of his employers and every one of them; and besides the usual attestation required of the officers of this state by law shall take an oath that he will, to the best of his skill and abilities, faithfully perform and execute the duties required of him by this act.

**SECT. 10.** *And be it further enacted by the authority aforesaid,* That the recompence of the said auctioneer for selling at public auction, collecting the money and paying over the same, without loss or waste, shall be as follows; for household goods, cattle and live stock, five per centum; for horses, two and a half per centum; and for ships, houses, and lands, an half per centum.

**SECT. 11.** *And whereas* the sale by public auction or vendue, of goods taken as prize upon water, and condemned in the court of admiralty, has been found very prejudicial to the credit of the paper money of the united states, emitted by the honourable congress, by affording frequent and easy opportunities of gratifying private avarice, and advancing and heightening the nominal value of commodities: For remedy whereof,

**SECT. 12.** *Be it enacted by the authority aforesaid,* That during the continuance of this act, the marshal of the court of admiralty of this state shall not sell any goods, wares or merchandises, or other property, by public auction or vendue; saving and excepting the ships or other vessels taken and condemned as prize, which vessels he shall put up with, and sell together with their tackle, furniture and cannon, and not separately; and saving also such goods really perishable in their nature, or greatly damaged, so as not to be kept without further injury, till the trial of the capture be finished, the same to be so reported to the judge of the court

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wealth.

Duty of the  
auctioneer,  
and the se-  
curity to be  
given.

What pay  
the auc-  
tioneer shall  
receive.

Marshal of  
the admi-  
ralty court  
shall not  
sell by auc-  
tion, except  
ships and  
perishable  
goods.

This clause  
repealed  
chapter  
180, section  
10.

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*The third Year  
of the Common-  
wealth.**Marshal  
shall make  
out an in-  
ventory of  
prizes, and  
have them  
appraised.**Repeated  
chapter  
180. section  
10.**Mode of  
distributing  
shares of  
prizes.*

court of admiralty of this state, upon the oath of judicious and indifferent persons, appointed to view the same; under like penalties and forfeitures, to be recovered in like manner, and to like use, as the forfeitures herein before mentioned and directed.

*SECT. 13. And be it further enacted by the authority aforesaid,* That the said marshal shall make out an exact inventory of the prizes taken upon water, and condemned in the court of admiralty; and shall have them appraised by three or more sworn appraisers, to be appointed by the said judge, at the true value thereof in current money; which inventory and appraisalment, in which the distribution herein after directed shall be distinguished, shall be filed with the register of the said court of admiralty; and in case no appeal be entered in due time, or in case there shall be execution of the decree of the said court, upon security being entered in double the value, the same (except ships and vessels, and such perishable and damaged goods as aforesaid) shall be divided and distributed by the said marshal in equal and fair shares and proportions, to the agent of the owners of the ship of war, if any there be, of the one part, and to the agent of the captain or commander, mariners and other persons, entitled by being present at the seizure of such prize, on the other part; or if two or more ships of war who shall have right to such prize, then into two general divisions, one for each, to be subdivided between the owners and crew of both of the said ships as aforesaid, where such divisions and subdivisions shall be proper and just; but into no farther or less parts or shares. And in case it shall so happen that the nature of the property to be distributed as aforesaid, shall not admit of a division and distribution perfectly equal, then the right of the same in kind shall be determined by lot, and the unavoidable difference therein, shall be equalised and paid in money by the party receiving such goods, to the other party; and the like mode of distribution shall take place in case of recapture, unless the former owner shall forthwith pay down the salvage in current money; and the said marshal is by virtue of this act enabled to retain in his hands a sufficiency of the goods or property condemned, to secure to him in all such cases of distribution as aforesaid, the payment of the costs of suit, and other reasonable charges by him expended for the securing and distributing the said captures.

*Pay of the  
Marshall.*

*SECT. 14. And be it further enacted by the authority aforesaid,* That the said marshal for all goods so distributed shall be intitled to a fee of one fourth per centum, and no more. And the said appraisers shall be allowed and paid a reasonable

reasonable reward, for each day which they shall be employed therein, to be ascertained by the said judge, the said allowance to be defrayed out of the said captures.

SECT. 15. *And be it further enacted by the authority aforesaid,* That if any printer or other person, during the continuance of this act, shall print, write or publish any advertisement of the sale of any goods or property not warranted or allowed by this act, he or she so offending shall forfeit and pay the sum of five hundred pounds, one half part thereof to the person who shall sue for the same, and the other half part thereof to the use of the overseers of the poor, of the city or place where the offence shall be committed; which sum shall be recoverable in a summary way before any justice of the peace, of the proper city or county, in the manner in which demands not exceeding fifty pounds are recoverable, with costs of suit.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if any male person, capable of bearing arms in the militia, shall, during the continuance of this act, by virtue of any licence or otherwise, travel or go about as a pedlar or hawker within this state, the person so offending shall forfeit the goods which he shall carry about with him for sale, or shall offer to sale, and any commissioned officer of the militia or constable may, and he is hereby enjoined to seize and prosecute the same to condemnation, if under the value of fifty pounds, before any justice of the peace of the county, in a summary way; if above the value of fifty pounds, in the court of common pleas of the same county, to be distributed, the one half to the said officer or constable, and the other half to the overseers of the poor, for the use of the poor of the township or place where the offence was committed; otherwise such offender shall forfeit the sum of five hundred pounds, to be recovered by action of debt or by indictment, and applied to the same use as the penalties and forfeitures imposed by this act on persons who shall sell goods by public vendue contrary to this act, are directed to be recovered and applied as aforesaid.

SECT. 17. *And be it further enacted by the authority aforesaid,* That an act of general assembly, intitled, "An <sup>Repeal of a former act.</sup> Act for regulating pedlars, vendues, &c." passed on the fourteenth day of February, which was in the year of our Lord one thousand seven hundred and twenty nine, so far as the same relates to public vendues; and also so much of the said act as relates to pedlars and hawkers, and is by this act altered or amended, and no more thereof, is hereby repealed.

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wealth.

Penalty on  
printers ad-  
vertising  
prohibited  
sales.

No person  
to be a  
hawker or  
pedlar.

## HIS EXCELLENCE

1779. *And be it further enacted by the authority aforesaid, That one other act of general assembly, intitled, "An Act to prohibit the sale of goods by public vendue, and to regulate hawkers and pedlars within this state," passed on the nineteenth day of June, which was in the year of our Lord one thousand seven hundred and seventy seven, is also repealed.*

Repeal of a former act. *Limitation. And be it further enacted by the authority aforesaid, That this act shall continue and be in force until the termination and end of the present war between the united states of America and Great Britain, and no longer.*

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday the 26th day of November, A. D. 1779.*

*THOMAS PAINE, clerk of the general assembly.* §

## CHAPTER CXXXVI.

*An ACT to confirm the estates, and interests of the college, academy and charitable school of the city of Philadelphia, and to amend and alter the charters thereof, conformably to the revolution and to the constitution and government of this commonwealth, and to erect the same into an university.*

Preamble. SECTION I. WHEREAS the education of youth has ever been found to be of the most essential consequence, as well to the good government of states, and the peace and welfare of society, as to the profit and ornament of individuals, insomuch that from the experience of all ages, it appears that seminaries of learning, when properly conducted, have been public blessings to mankind, and that on the contrary, when in the hands of dangerous and disaffected men, they have troubled the peace of society, shaken the government, and often caused tumult, sedition and bloodshed.

SECT. 2. And whereas the college, academy and charitable school of the city of Philadelphia, were at first founded on a plan of free and unlimited catholicism; but it appears that the trustees thereof, by a vote or bye law of their board, bearing date the fourteenth day of June, in the year of our Lord one thousand seven hundred and sixty four, have departed from the plan of the original founders, and narrowed the foundation of the said institution.

SECT.

SECT. 3. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the charter of the said seminary, granted by the late proprietaries of Pennsylvania, bearing date the thirtieth day of July, in the year of our Lord one thousand seven hundred and fifty three, whereby certain persons were incorporated by the name, stile, and title of The Trustees of the Academy and charitable School, in the Province of Pennsylvania, and the additional charter, granted by the same proprietaries, bearing date on the fourteenth day of May, in the year of our Lord one thousand seven hundred and fifty five, by which the trustees of the same academy and charitable school were again incorporated, by the name, stile, and title of The Trustees of the College, Academy and charitable School of the city of Philadelphia, in the Province of Pennsylvania, together with all and singular the rights, powers, privileges, emoluments and advantages, and also all the estates, claims and demands to the same corporation belonging discharged from the afore recited vote or bye law of the said trustees, confining and narrowing the true and original plan of the said institution, which vote or bye law, and all others, contrary to the true design and spirit of the said charter, are hereby declared to be void, be and they are in and by this act, ratified and confirmed to, and for the use and benefit of the same seminary for ever.

SECT. 4. And to the end that the trustees herein after named and appointed may be the better enabled to effectuate the pious and praiseworthy designs of the founders, benefactors and contributors of the said college, academy and charitable school of Philadelphia,

SECT. 5. Be it further enacted by the authority aforesaid, That it shall and may be lawful for the supreme executive council of this state to reserve such and so many of the confiscated estates, yet unsold and unappropriated, as to them shall appear necessary, in order to create a certain fund for the maintenance of the provost, vice provost, masters and assistants, and to uphold and preserve the charitable school of the said university.

SECT. 6. Provided always, That the yearly income of such estates, so reserved and appropriated, to the use of the said university, do not exceed the sum of fifteen hundred pounds, computing wheat at the rate of ten shillings per bushel.

SECT. 7. And provided also, That such reservation be <sup>Proviso.</sup> from

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The third Year  
of the Common-  
weal'th.  
Former  
charters  
and bye  
laws, de-  
clared null  
and void

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of the Common-  
wealth.*

Proviso.

from time to time laid before the general assembly of this state, for their approbation and confirmation.

**SECT. 8.** *Provided always, and be it enacted by the authority aforesaid,* That the ratifying and confirming the said charter, or any thing herein contained, shall not extend or be construed to extend to the confirmation or establishing any of the said trustees, in the said charter named, or deriving by any election, or pretended election, or appointment by, from or under them, or any of them, nor to any provost, vice provost, professor, or other minister or officer of the said seminary, other than such as are hereby, or may hereafter be appointed, (the said board and the faculty being hereby dissolved and vacated) nor shall the same extend to such parts of the charter, as in and by this act are or may be abrogated, annulled, altered or supplied.

Names of  
the trust-  
tees.

**SECT. 9.** *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the superintendance and trust, together with all and singular the powers, authorities and estates, real, personal and mixed, of the said college, academy and charitable school, shall pass to, devolve upon, and be vested in the president of the supreme executive council of this commonwealth, the vice president of the same council, the speaker of the general assembly, the chief justice of the supreme court of judicature, the judge of admiralty and the attorney general for the time being, in virtue of their several offices, and the senior minister in standing of the Episcopal churches and congregations, and the senior minister in standing of the Presbyterian churches, and the senior minister in standing of the Baptist churches, and the senior minister in standing of the Lutheran churches, and the senior minister in standing in the German Calvinist churches, and the senior minister in standing in the Roman churches, whose churches or houses of public worship are or shall be in the city of Philadelphia, or within two miles of the old court house in High street, in the said city, together with the honourable Benjamin Franklin, doctor of laws, minister plenipotentiary from the united states of America to his most christian majesty, the honourable William Shippen, Frederick Muhlenberg and James Searle, esquires, delegates in the congress of the said united states for Pennsylvania; the honourable William Augustus Atlee, esquire, and the honourable John Evans, esquire, justices of the supreme court of judicature; Timothy Matlack, esquire, secretary of the supreme executive council of this state; David Rittenhouse, esquire, treasurer of this state; Jonathan Bayard Smith, esquire; Samuel Morris, senior, esquire; George Bryan, esquire;

Thomas

Thomas Bond, doctor of physic; and James Hutchinson, doctor of physic; which said civil officers, ministers of the gospel and others herein mentioned and appointed, for and during their continuance in the said office and stations respectively, their abode in this state, and lawful capacity to act, and their successors for ever hereafter, shall be, remain and continue the trustees aforesaid, by the name, style and title of The Trustees of the University of the State of Pennsylvania, and shall from henceforth have, hold, use, exercise and enjoy all the powers, authorities and advantages of the estates, rights, claims and demands of the trustees appointed by, or in pursuance of the charters of the said corporation, or either of them, instead of the said trustees, appointed by, or deriving under the said charter, or pretending so to do, in trust, nevertheless, for the proper use of the said university for ever.

**SECT. 10.** *Provided always,* That if any trustee of the said university shall take any charge or office under the said trustees, other than that of treasurer, his place shall thereby be vacated, and in the case of a minister of the gospel taking such charge or office, or neglecting to qualify according to the directions of this act, within one month after personal notice given of his coming to such trust, the next minister in seniority, of the same denomination, shall succeed him, such seniority to be accounted from the time of settlement of such person as minister of a congregation in or near the said city.

**SECT. 11.** *Provided also,* That in case the choice of a new trustee, in the room and stead of any of the persons last named, or their successors, shall be disallowed by the house of assembly within six months, the trustees shall be obliged to make choice of some other person.

**SECT. 12.** *And be it further enacted by the authority aforesaid,* That instead of the oath or affirmation and declaration which were enjoined and required to be taken and made by the second or additional charter herein before referred to, of the said corporation, by the trustees, provost, vice provost and professors of the said college, academy and charitable school, which oath or affirmation and declaration, being totally inconsistent with the independence and constitution of this commonwealth, are hereby abrogated and repealed, the said trustees herein before appointed, and their successors and the provost, vice provost and professors and every of them hereafter to be appointed in such manner and form as herein is directed and required, before he or they enter upon the duties of their trust or office, shall before two justices of

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wealth.

College e-  
rected into  
an universi-  
ty.

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of the Common-  
wealth.New one  
appointed.

the peace of the city of Philadelphia, or of some county of this state, take and subscribe the oath or affirmation prescribed by the fortieth section of the constitution of this commonwealth to be taken by the officers of this state, and also the oath or affirmation of allegiance directed to be taken by the same officers, in and by the seventh and eighth sections of an act of assembly, made and passed the fifth day of December, in the year of our Lord one thousand seven hundred and seventy eight, intitled, “*A further supplement to the act, intitled, An Act for the further security of the government,*” and shall also take an oath or affirmation for the faithful discharge of their trust of office aforesaid.

Former powers to make rules, with certain exceptions declared null and void.

SECT. 13. *And be it further enacted by the authority aforesaid,* That all and every the clause and clauses in the said charters, wherein and whereby the trustees of the said college, academy and charitable schools are directed and enjoined to make their rules, ordinances and statutes, not repugnant to the laws in force in the kingdom of Great Britain, nor to the laws in force in the province of Pennsylvania, be, and they are hereby annulled, repealed and made void; and the trustees herein and hereby appointed, are required and enjoined to review the rules, ordinances and statutes heretofore made by the former trustees of the said seminary, which, so far as they are repugnant to the constitution and laws of this state, are hereby repealed, and to frame the same, if necessary, and all rules, ordinances and statutes hereafter to be made, consistent with the constitution and laws of this commonwealth.

Matters to be determined by a majority of seven, except, &c.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the business of the said corporation shall and may be transacted, performed and determined by the major vote of a meeting of seven at least of the trustees appointed by this act, and their successors, duly notified and called, other than the choice of new trustees, the nominating and constituting, or the dismissing of the future provost, vice provost or professors, or any of them; or the alienation or leasing of real estates, for more than seven years, or any extraordinary and new expenditure of the income, or other personal estate of the said corporation, or the altering any salary, or the granting degrees to the scholars of the said university, or to other persons, or to the making any ordinance, statute or bye law; which several enumerated acts and doings may be transacted and performed by a majority of at least eleven of the said trustees, duly notified and convened as aforesaid, and not otherwise.

SECT.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the clause in the first charter of the said corporation, whereby the trustees thereof were limited to be inhabitants of Pennsylvania, residing within five miles of the academy and school aforesaid, although licence was given in the said charter, to set up the same at any place within the said province, which the said trustees should judge to be most convenient, so far as the same clause limits the appointment of trustees to persons residing within five miles of the said academy and school, be, and the same is hereby annulled, repealed and made void.

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of the Common-  
wealth.Former li-  
mitation  
declared  
null and  
void.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the trustees herein before appointed, and their successors, shall and may ask, demand, sue for, recover and receive all evidences, mortgages, specialties, deeds, and instruments, and all papers, books of account and record, and the library, philosophical apparatus and seals of the said corporation; and all debts, dues and demands to the same owing, belonging, accruing, or appertaining. And in case any person or persons having the custody of the said library, apparatus, mortgages, specialties, deeds or instruments, or other papers, books of records of the said corporation, or having possession of the real estate of the said corporation, or any part thereof, shall refuse to deliver up the same when demanded, it shall and may be lawful for the trustees of the said college to summon any person so refusing, before any two justices of the peace of the city or the county where the said real estate lies, or the detainer of any of the records, or other articles aforesaid, resides, who are hereby authorised and impowered to inquire into the said complaint, in a summary way, and give judgment therein as to them shall seem meet, according to the merits and justice of the case; and if such judgment be given against the detainer of any of the said deeds, specialties, mortgages or other articles before enumerated, and if such detainer shall still refuse to deliver the same, it shall and may be lawful for the said justices, and they are hereby required to commit such refuser to prison, there to remain without bail or mainprise, until the said judgment be complied with. And in the case of real estate, the said justices shall carry such judgment into execution, by issuing a writ of possession to the sheriff of the county, in the same manner as they are authorised to do by an act of assembly, intitled, "An Act for the sale of goods distrained for rent, and to secure such goods to the person distraining the same, for the better security of rents, and for other purposes therein mentioned," in case of tenants holding over their terms:

Power to  
the trustees,  
to sue and  
recover  
&c.Penalty on  
former trus-  
tees, &c.  
neglecting  
or refusing  
to deliver  
up books,  
records,  
&c.

Provided

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of the Commonwealth.

Style of the  
trustees.

Power to  
make a  
common  
seal, rules,  
&c. and to  
amend and  
alter them.

Trustees  
shall submit  
their books,  
accounts, &c.  
to the in-  
spection of  
the assem-  
bly.

Time of  
first meet-  
ing.

*Provided always,* That if either of the said parties shall demand a jury to be summoned, to try the said matter in dispute, the said justices shall cause a jury forthwith to come before them thereupon, in the same manner as juries are had in the case of tenants holding over their terms as aforesaid; and the said justices shall give judgment pursuant to the verdict of such jury, and proceed to the execution thereof, as is herein and hereby directed.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the civil officers, ministers of the gospel and other persons by this act constituted and appointed trustees of the said university, and their successors duly chosen, nominated and appointed, be one community, body politic and corporate, to have perpetual succession and continuance for ever, by the name, style and title as aforesaid, and that by the said name they shall be capable and able in law to sue and be sued, have and make a common seal, and the same at their pleasure to break and alter, to make rules and statutes, and to do every thing necessary and needful for the good government and perfect establishment of the said university; and the provost, vice provost and professors hereafter to be appointed and constituted by the trustees aforesaid, shall be named, styled and entitled, The Provost, Vice Provost and Professors of the same university; and the name, style and title of the body or faculty, composed of the said provost, vice provost and professors, shall be, The Provost, vice provost and Professors of the University of the State of Pennsylvania.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the said trustees shall at all times, when required, submit the books, accounts and economy of the said corporation, to the free examination of visitors to be appointed from time to time by the representatives of the freemen of this commonwealth in general assembly met.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the trustees appointed by this act, or a majority of them, shall meet in the hall of the university aforesaid, in the forenoon on the first Wednesday in December next, and after being duly qualified as this act prescribes, proceed to the execution of their trust.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the  
27th day of November, A. D. 1779.*  
THOMAS PAINE, clerk of the general assembly.

## CHAPTER CXXXVII.

An ACT to repeal part of an act, intitled, "An Act for  
 " making more equal the burthen of the public defence,  
 " and for filling the quota of troops to be raised in this  
 " state." And to continue for a longer time the act,  
 intitled, "An Act to empower the supreme executive  
 council and justices of the supreme court to apprehend  
 suspected persons, and increase the fines to which per-  
 sons are liable for neglecting to perform their tour of  
 militia duty."

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Passed November 27th, 1779. Recorded in Law Book Vol. I. Page 323, &c.  
 Expired.

## CHAPTER CXXXVIII.

A supplement to an act, intitled, "An Act for the relief of  
 " the poor."

SECTION I. WHEREAS the rate or assessment di-  
 rected by the act of assembly, intitled,  
 " An Act for the relief of the poor," passed on the twenty  
 ninth day of March, in the year of our Lord one thousand  
 seven hundred and seventy one, not exceeding three pence  
 in the pound on all estates real and personal, and six shillings  
 per head on every freeman not otherwise rated for his  
 estate within the several counties of this state, is found to be  
 very inadequate to the support of the poor of the said  
 counties, districts and townships, and the frequent repetiti-  
 on thereof would be very inconvenient to the overseers of  
 the poor, and very troublesome to the inhabitants : For re-  
 medy whereof,

Preamble.

SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That it shall and may be lawful for any two of the justices of the peace of any county, district or township, upon complaint of the overseers of the poor, that a sum of money is wanted or likely to be wanted for the support of the poor, to issue their warrants, under their hands and seals, directed to the overseers of the poor of the said county, district or township, requiring them forthwith to levy, collect and raise, by an equal assessment upon the clear yearly value, as they shall reasonably estimate the same, of all real and personal estates within the said county, district or townships respectively, a rate or tax not exceeding seven shillings and six pence in the pound upon all tax-  
 ables,

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ables, and a sum not exceeding six pounds per head, nor less than three pounds, on all freemen not otherwise rated for such tax for the relief of the poor; and the said rate shall be repeated as often as the said justices and overseers shall find the same necessary.

*Former act for the relief of the poor continued with exceptions.* SECT. 3. *And be it further enacted by the authority aforesaid,* That the said recited act for the relief of the poor, passed the twenty ninth day of March, in the year of our Lord one thousand seven hundred and seventy one, except so much as is herein before altered and repealed, shall continue, be and remain, and is hereby declared to be in full force and effect.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the 27th day of November, A. D. 1779.*

THOMAS PAINE, clerk of the general assembly.

## CHAPTER CXXXIX.

*An ACT for vesting the estates of the late proprietaries of Pennsylvania in this commonwealth.*

Preamble. SECTION 1. WHEREAS the charter from Charles the second, heretofore king of England, to William Penn, under which the late province, now state of Pennsylvania, was first began to be settled, was granted and held for the great ends of enlarging the bounds of human society, and the cultivation and promotion of religion and learning; and the rights of property and powers of government thereby vested in the said William Penn and his heirs, were stipulated to be used and enjoyed, as well for the benefit of the settlers as for his own particular emolument, agreeable to the terms of the said charter, and of certain conditions and concessions entered into between them.

SECT. 2. *And whereas* the claims heretofore made by the late proprietaries to the whole of the soil, contained within the bounds of the said charter, and in consequence thereof the reservation of quit rents, and purchase money upon all the grants of lands within the said limits, cannot longer consist with the safety, liberty and happiness of the good people of this commonwealth, who, at the expence of much blood and treasure, have bravely rescued themselves and their possessions from the tyranny of Great Britain, and are now defending themselves from the inroads of the savages.

SECT.

SECT. 3. *And whereas* the safety and happiness of the people is the fundamental law of society, and it has been the practice and usage of states most celebrated for freedom and wisdom to controul and abolish all claims of power and interest inconsistent with their safety and welfare; and it being the right and duty of the representatives of the people to assume the direction and management of such interest and property as belongs to the community, or was designed for their advantage.

SECT. 4. *And whereas* it has become necessary that speedy and effectual measures should be taken in the premises, on account of the great expences of the war, and the rapid progres of the neighbouring states in locating and settling the lands heretofore uncultivated, by which multitudes of inhabitants are daily emigrating from this state.

SECT. 5. *Be it therefore enacted, and it is hereby enacted,* Soil vested  
in the com-  
monwealth *by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That all and every the estate, right, title, interest, property, claim and demand of the heirs and devisees, grantees, or others claiming as proprietaries of Pennsylvania, whereof they or either of them stood seised, or to which they or any of them were entitled, or which to them were deemed to belong on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy six, of, in or to the foil and land contained within the limits of the said late province, now state of Pennsylvania, or any part thereof, together with the royalties, franchises, lordships, and all other the hereditaments and premises comprised, mentioned and granted in the same charter, or letters patent, of the said king Charles the second (except as herein after is excepted) shall be, and they are hereby vested in the commonwealth of Pennsylvania, for the use and benefit of the citizens thereof; freed and discharged, and absolutely acquitted, exempted and indemnified of, from and against all estates, uses, trusts, intails, reversions, remainders, limitations, charges, incumbrances, titles, claims and demands whatsoever, from, by or under the said charter, or letters patent, or otherwise, as fully, clearly, and entirely, as if the said charter or letters patent, and the estates, interests, hereditaments and premises therein comprised, mentioned and granted, and all other the estate, right and title of the said proprietaries, of, in and to the same premises, were herein transcribed and repealed. and all o-  
ther here-  
ditaments,

SECT 6. *And be it further enacted by the authority aforesaid,* That the said foil and lands, hereditaments and premises, and every part and parcel thereof (except as is herein

and at the  
disposal of  
the legisla-  
ture.

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wealth.*

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wealth.

Proviso.

herein excepted) from and after the date hereof, shall be subject to such disposal, alienation, conveyance, division and appropriation, as to this, or any future legislature of this commonwealth shall from time to time seem meet and expedient, in pursuance of such law or laws as shall for that purpose hereafter be made and provided.

SECT. 7. *Provided always, and be it enacted by the authority aforesaid,* That all and every the rights, titles, estates, claims and demands which were granted by, or derived from the said proprietaries, their officers, or others by them duly commissioned, authorised and appointed, or otherwise, or to which any person or persons, other than the said proprietaries, were or are entitled either in law or equity, by virtue of any deed, patent, warrant or survey, of, in or to any part or portion of the lands comprised and contained within the limits of this state, or by virtue of any location filed in the land office, at any time or times before the said fourth day of July, in the year of our Lord one thousand seven hundred and seventy six, shall be, and they are hereby confirmed, ratified and established for ever, according to such estate or estates, rights or interests, and under such limitations and uses, as in and by the several and respective grants and conveyances thereof are directed and appointed.

Proviso.

SECT. 8. *Provided also, and be it enacted by the authority aforesaid,* That all and every the private estates, lands and hereditaments of any of the said proprietaries, whereof they are now possessed, or to which they are now entitled in their private several right or capacity, by devise, purchase or descent; and likewise all the lands called and known by the name of The Proprietary Tenth or Manors, which were duly surveyed and returned into the land office on or before the fourth day of July, in the year of our Lord one thousand seven hundred and seventy six, together with the quit or other rents, and arrearages of rents, reserved out of the said proprietary tenths or manors, or any part or parts thereof which have been sold, be confirmed, ratified and established for ever, according to such estate or estates therein, and under such limitations, uses and trusts, as in and by the several and respective reservations, grants and conveyances thereof are directed and appointed.

Quit rents  
abolished,  
except, &c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That all and every the quit rents which at any time or times heretofore have been reserved in and by any warrant, patent or other conveyance of lands or other hereditaments, from, by or under the said proprietaries, their officers,

officers, or others by them commissioned and appointed; and all and every the dues and arrearages of quit rents, and arrearages of purchase monies for lands not within the tenths or manors aforesaid, or which at any time or times heretofore have been deemed or taken to be due and in arrear, other than the quit or other rents reserved within the proprietary tenths or manors before mentioned, shall from henceforth cease and determine; and the same lands and other hereditaments shall be held free and discharged therefrom, and from the payment thereof for ever.

**SECT. 10.** *Provided always, and be it further enacted by the authority aforesaid,* That in order to preserve equality among the purchasers of land under the said late proprietaries, the said arrears of purchase money, other than for lands within the said tenths and manors, shall be accounted to be due and payable to the commonwealth. *Proviso.*

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That all and every law or laws, act or acts of assembly heretofore made and enacted by the legislature of the province of Pennsylvania, or such parts and clauses thereof by which any right, title or claim, power or authority, is or are given or granted, ratified or established in the said proprietaries, or any of them, their or any of their officers or servants, of, in or to any of the estates, lands or other hereditaments herein and hereby vested and confirmed, or meant to be hereby vested and confirmed in this commonwealth, for the use and benefit of the citizens thereof; or of, in or to the quit rents and purchase money and arrearages thereof; or of, in or to any portion thereof herein and hereby released, discharged and abolished, or meant so to be, be, and they are hereby annulled, revoked and repealed. *Repeal of former powers to the proprietaries, &c.*

**SECT. 12.** *And whereas* the freemen of this commonwealth, being desirous to manifest not only a regard to their own safety and happiness, but their liberality also, and remembrance of the enterprising spirit which distinguished the founder of Pennsylvania, and mindful of the expectations and dependance of his descendants on the propriety thereof, and also that fundry marriage settlements and testamentary dispositions have been made thereupon, which will be wholly defeated, and the parties exposed to great disappointment and loss, if no provision be made therein.

**SECT. 13.** *Be it therefore enacted by the authority aforesaid,* That the sum of one hundred and thirty thousand Uuu pounds, *Donation to the late proprietaries.*

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pounds, sterling money of Great Britain, be paid out of the treasury of this state, to the devisees and legatees of Thomas Penn and Richard Penn, late proprietaries of Pennsylvania respectively, and to the widow and relict of the said Thomas Penn, in such proportions as shall hereafter by the legislature be deemed equitable and just upon a full investigation of their respective claims.

*When payment there-  
of is to commence.*

SECT. 14. *Provided always,* That no part of the said sum of one hundred and thirty thousand pounds sterling shall be paid within less than one year after the termination of the present war with Great Britain; and that no more than twenty thousand pounds sterling, nor less than fifteen thousand pounds sterling thereof, shall be paid or payable in any one year, until the whole sum be fully paid and discharged; and that the first annual payment thereof be made at the expiration of one year after the termination of the said war.

SECT. 15. *And whereas* divers persons who have acted under the said late proprietaries, or any of them, as secretaries of the land office, receiver of purchase money, rents or other income, surveyor general, surveyors of land, or otherwise, or being the heirs or representatives of such persons, are possessed of divers books, surveys, returns of survey, certificates, orders or other documents, instruments, records, or writings, or seals to the said proprietary belonging or appertaining, or which have been usually lodged and kept in the several and respective-offices of secretary of the land office, receiver general and surveyor general, may neglect or refuse to deliver up the same, undiminished, to the supreme executive council of this state, as is proper and necessary upon the passing of this act.

*Officers to deliver up books, pa-  
pers, &c.  
on demand,  
on penalty,  
&c.*

SECT. 16. *Be it therefore enacted by the authority aforesaid,* That if any person or persons whatsoever, who now is, or are, or hereafter shall be possessed of any of the said books, surveys, returns of survey, certificates, orders, or other documents, instruments, records, writings or seals, and shall, after demand thereof in writing made by the president or vice president of the supreme executive council of this state, for one month after such demand, refuse or neglect to deliver up the same to the person or persons empowered by the said president or vice president to receive the same, such person or persons, so refusing, shall forfeit and pay to the use of the commonwealth any sum not exceeding five hundred thousand pounds, upon being convicted by indictment in any court of oyer and terminer; and moreover, if such person or persons, after such conviction,

wiction, persist in such refusal, such person or persons shall be sentenced to imprisonment until he or they deliver the books, surveys, or other herein before mentioned articles, by such person or persons withheld as aforesaid.

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wealth.*

**JOHN BAYARD, SPEAKER.**

*Enacted into a law at Philadelphia, on Saturday, the  
27th day of November, A. D. 1779.*

**THOMAS PAINE, clerk of the general assembly.**

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**C H A P T E R CXL.**

*An ACT for the better support of certain officers of  
this state, and for ascertaining the specific fines and  
penalties which they may incur by neglect of duty.*

Passed November 27th, 1779. Recorded in Law Book Vol. I. Page 327, &c,  
Repealed.

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wealth.*

## L A W S

Enacted in the second sitting of the fourth general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, on *Wednesday*, the nineteenth day of *January*, in the year of our Lord 1780.

## C H A P T E R CXLI.

*An ACT for laying an embargo on the exportation of provisions from this state, by sea, for a limited time.*

Passed February 28th, 1780. Recorded in Law Book Vol. I. Page 328, &c.  
Expired.

## C H A P T E R CXLII.

*An ACT for the preservation of buildings erected upon the lands of divers inhabitants of this commonwealth, for the use of the united states, and vesting such land with the buildings, in the united states, during the present war, and to punish persons for waste or trespasses made or committed thereon, and for other purposes therein mentioned.*

Preamble. SECTION I. WHEREAS in the unsettled state of public affairs, during the war with Great Britain, the necessities of the united colonies or states induced their officers to take possession of the lands of divers persons, inhabitants of this commonwealth, for public use, and have, at the public expence, erected thereon barracks, hospitals, stables, store houses and other buildings.

SECT. 2. And whereas the honourable the congress of the united states of America, by their resolve dated the twenty third of July last, have recommended that suitable provision be made by a law for preserving the same buildings,

ings, and for punishing those who shall seize upon or injure the same; and in some instances vest the ground on which such buildings are erected, in the United States.

**SECT. 3.** Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all and every the buildings aforesaid, with so much of the land adjoining as may be necessary for the purpose for which such buildings were erected, be vested in the united states during the war, and that the said united states be fully authorised and impowered to sue and maintain any action or actions at law against all and every person or persons who shall commit any waste or trespass thereon, within this commonwealth.

*Sect. 4. Provided always, and be it enacted by the authority aforesaid, That nothing in this act contained shall extend to the justifying any entry made, or possession taken of the lands or real estate of any person or persons within this commonwealth, without the consent of the owner, from and after the first day of January, in the year of our Lord one thousand seven hundred and seventy nine, or to vest the same land so entered upon, or possessed since that time, in the said united states,*

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That whensoever in any case it shall or may be found convenient or proper to remove any of the said buildings which are removable, the united states, or their officers duly appointed, shall and may be fully authorised so to do, whether the same buildings were erected before the first of January, one thousand seven hundred and seventy nine, or since ; and that in all cases where the same buildings shall be so removed, all title, interest and property of the said united states, of, in and to the lands whereon the said buildings shall have been erected, shall from thenceforth cease and determine.

*Sect. 6. And be it further enacted by the authority aforesaid, That in all cases, where the title of the lands are in and by this act vested in the united states during the war, the original owner or owners of the land, or the tenant or tenants, shall receive from the united states a reasonable rent for the same, according to the valuation of the said lands, exclusive of the same buildings, to be appraised by three indifferent appraisers on oath or affirmation, one of whom shall be chosen by the united states or their officer, one by the said owner or owners, and a third by the two so as aforesaid chosen; and that in case of the refusal of the united states or their officer to choose, the owner or owners*

X x x shall

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wealth.

Where buildings erected by the states are no longer useful or necessary, they may be pulled down and sold.

United States em-  
powered to hold or con-  
vey lands,  
&c.

shall and may, after full notice given, apply to the nearest justice of the peace of this state, to choose a proper person on the part of the said united states, who is hereby impowered and enjoined so to do, and the two persons so chosen shall choose a third.

*SECT. 7. And be it further enacted by the authority aforesaid,* That from and after the termination of the present war with Great Britain, it shall and may be lawful to, and for the united states, or their officers duly authorised, in all cases where the said buildings are no longer necessary, or where the owner will not agree to proper terms for continuing the same buildings, to remove the same or pull down and remove the materials, and the same to sell and dispose of, or to sell the same buildings as they then stand, to the owner or owners of the land, or any other person or persons, according as to them shall seem most advantageous.

*SECT. 8. And be it further enacted by the authority aforesaid,* That the united states of America, by the name aforesaid, shall be able and capable within this commonwealth, now and at all times hereafter to purchase, take and hold lands, houses, hereditaments and real estates, for the purpose of erecting and maintaining necessary public buildings thereon, by the gift, grant, bargain, sale, release, enfeoffment, alienation or devise, of all or any person or persons whatsoever able and capable to make the same; and that the same shall be and remain subject to the disposition and appropriation of the honourable congress of the united states of America, according to such estate and estates therein, as in and by the grant or conveyance thereof shall or may be specified and contained.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Monday the  
28th day of February, A. D. 1780.  
THOMAS PAINE, clerk of the general assembly.*

## CHAPTER CXLIII.

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of the Commonwealth  
with.*

*An ACT for vesting the state house in the city of Philadelphia; the house in High street in the said city, appropriated to the use of the president of the supreme executive council for the time being; the Province island, and Great Mud island; the military barracks in the Northern Liberties of the city of Philadelphia, and in the northern part of the borough of Lancaster; the public store house and the magazine for securing gun powder in the said borough; the several court houses, gaols, prisons and work houses of the several counties of this state; and all other real estate belonging to the public, in the commonwealth.*

SECTION 1. WHEREAS on account of the difficulty of securing in a proper manner the real estate of the public in the late province now state of Pennsylvania, the same was vested in feoffees or trustees, or in bodies politic and corporate: And whereas the persons enfeoffed of the same may have in some cases all died; and it may be difficult to ascertain the person to whom the estate so vested hath descended, if suits in the law should be necessary for the conservation of the said real estate: For remedy whereof, and to place the same on a uniform, convenient and permanent footing,

SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the state house in the city of Philadelphia, together with the adjoining lot and piece of ground thereunto appertaining, bounded by Chestnut street on the north; Fifth street from the river Delaware on the east; Sixth street from the said river, on the west, and Walnut street on the south, as the same are now vested in Samuel Rhoads and Edward Penington; and the house and lots situate on High street, Minor street and Sixth street, in the said city, late the estate of Joseph Galloway, esquire, appropriated and appointed for the use of the president of the supreme executive council, by an act, intituled, "An Act for vesting the house and lots therein described in trustees for the use of the president of the supreme executive council of this state for the time being," passed on the eighteenth day of March last; and the island called the Province island, situate on the south side of the mouth of the river Schuylkill, adjoining the river Delaware, within the township of Kingessing, and county of Philadelphia, and heretofore known by the name of Fisher's island, containing about three hundred and forty two acres, as the same was held in trust by

Enumeration  
of what  
public  
buildings  
shall be in-  
vested in  
the com-  
monwealth.

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by Joseph Harvey, Thomas Tatnel, Joseph Trotter, James Morris and Oswald Peel, and afterwards conveyed by the said Joseph Trotter, the survivor of the said trustees, to Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton, Edward Penington, Charles Humphreys and Michael Hillegas; and the island in the river Delaware, named Great Mud island or Deep Water island, situate southward of the Province island, as the same was held by Joseph Galloway, and by him sold for a fortress to the public, who paid him the full consideration thereof, but had no transfer of the said island made by said Joseph Galloway; yet by his attainer it is become the estate of the public; the military barracks, situate between Second and Third streets continued in the Northern Liberties of the city of Philadelphia, together with the lots and pieces of land thereunto belonging and appertaining, as the same were purchased of Anthony Wilkinson and John Jennings and wife, for the purpose of erecting the said barracks at the cost of the late province now state of Pennsylvania, and as the same are now vested in the heirs of Joseph Fox, deceased; and the military barracks in the north part of the borough of Lancaster, in the county of Lancaster, together with the lot of land thereunto appertaining, as the same are now held by James Webb, in trust for the public; the public store house situate on the western side and near the north end of Queen street in the said borough, and the magazine for securing gun powder in the said borough, lying eastward of the said store house'; and the new goal and work house of the city and county of Philadelphia, on Walnut street and Sixth street, in the city of Philadelphia, as the same is now vested in the commissioners of the city and county of Philadelphia and their successors, who held the same as a body politic and corporate, for that purpose: and all and singular the court houses, goals, prisons and work houses, together with the lots of land whereon they severally stand, or which are appurtenant to them, of and in the several counties of this state, as they now are or heretofore have been vested in any feoffees or trustees, or in any bodies politic and corporate, for the several use of the said counties respectively; and also all other real estate to the good people of this commonwealth, or of any county thereof in their public and collective capacity belonging, or to their use or interest vested and conveyed, shall be, and hereby are vested in the commonwealth, freed and discharged, and absolutely acquitted, exempted and exonerated of, from and against all claims and demands of the said feoffees or trustees or bodies politic and corporate, or of the survivors and sur-

vivor

vivor of such feoffees and trustees and every of them, and of the heirs of such survivors and survivor for ever; subject however to the several uses, intents, trusts, dispositions and direction for which the same have been heretofore respectively appointed and limited, and to none other; saving and always reserving to every person and persons, bodies politic and corporate, his and their heirs, successors, other than the said feoffees and trustees all such estates, right, title and interest, of, in, to and out of the premises vested in trust as aforesaid, as they, every, or any of them had before the passing of this act, or could or might have had or enjoyed in case this act had not been made or passed.

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**SECT. 3.** *Provided always,* That nothing in this act shall extend to vest in the commonwealth the old temporary prison, situate on the eastern side of the main cross street in the town of Bedford; nor to vest in the commonwealth the old goal and work house, nor the land thereunto appertaining, fronting on the south side of high street, and extending along Third street from Delaware in the city of Philadelphia, as the same was holden by Joshua Carpenter, in trust for the use of the city and county of Philadelphia; *But it is hereby enacted by the authority aforesaid,* That the supreme executive council may and shall sell and convey the said old goal and work house in the city of Philadelphia, to the private use of the purchaser by deed or deeds under the great seal, signed by the president or vice president of the said council, for the sole benefit and advantage notwithstanding of the said city and county.

**SECT. 4.** *And provided also,* That the representatives of the freemen of this commonwealth in general assembly met shall and may from time to time by their vote, appoint trustees, to take upon them the care and management of the island called the Province island, together with its appurtenances, and to receive the rents, issues and profits thereof, and to account for the same, and to make leases; in like manner and under like restrictions, as the feoffees or trustees of the said island, heretofore vested with the estate thereof, might or could do.

Assembly  
may from  
time to  
time ap-  
point trus-  
tees for the  
Province if-  
land.

**SECT 5.** *And be it further enacted by the authority aforesaid,* That so much of an act of assembly of the late province of Pennsylvania, intituled, “An Act for vesting the Province island and the buildings thereon erected, and to be erected in trustees for providing an hospital for such sick passengers as shall be imported into this province, and to prevent the spreading of infectious distempers,” passed on third day of February, which was in the year of our Lord

Former  
laws re-  
pealed.

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of the Common-  
wealth.*

one thousand seven hundred and forty three ; and so much of another act of assembly of the said late province, intituled, “ *An Act for vesting the state house and other public buildings, with the lots of ground wherenon the same are erected, together with other lots situate in the city of Philadelphia in trustees, for the uses therein particularly mentioned,*” passed on the twentieth of February which was in the year of our Lord one thousand seven hundred and thirty six ; and so much of another act of assembly of the said late province, intituled, “ *An Act for erecting a new goal, work house, and house of correction in the city of Philadelphia,*” passed on the twenty sixth day of February, which was in the year of our Lord one thousand seven hundred and seventy three ; and so much of another act of assembly of the said late province, intituled, “ *An Act to enable Jeremiah Langborne, William Biles, Joseph Kirkbride, junior, Thomas Watson, practitioner in physic, and Abraham Chapman, to build a new court house and prison in the county of Bucks,*” passed on the twentieth day of March, Anno Domini one thousand seven hundred and twenty five ; and so much of the several acts of assembly of the said late province, by which the counties of Lancaster, York, Cumberland, Berks, Northampton, Bedford, Northumberland, and Westmoreland, were erected and established ; and so much of an act of assembly of this commonwealth, intituled, “ *An Act for vesting the house and lots therein described, in trustees, for the use of the president of the supreme executive council of this state for the time being,*” passed on the eighteenth day of March last, and of any other act of assembly, which is hereby altered or supplied by, or is repugnant to the provisions and directions of this act, is hereby repealed and made void.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the 28th day of February, A. D. 1780.*  
 THOMAS PINE, clerk of the general assembly. S

### C H A P T E R CXLIV.

*An ACT for erecting an high court of errors and appeals.*

Preamble. SECTION I. WHEREAS by the laws of the late province now state of Pennsylvania a very expensive, difficult and precarious remedy was provided for parties injured by erroneous judgments, sentences and

and decrees, given or pronounced therein, by establishing an appeal from the final judgment, sentence or decree, of any court within the said province, to the king of Great Britain in council, or to such court or courts as by the said king, his heirs and successors, should be appointed in Britain, to hear and judge of appeals from the plantations, in many cases to the denial, and in all to the great obstruction of justice.

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wealth.

SECT. 2. *And whereas* the good people of this commonwealth, by their happy deliverance from their late dependent condition, and by becoming free and sovereign, are released from this badge of slavery, and have acquired the transcendent benefit of having justice administered to them at home, and at moderate costs and charges.

SECT. 3. *And whereas* it is requisite that the good people of this commonwealth, who have adopted the common law of England, should enjoy the full benefit thereof, by the erection of a competent jurisdiction within this state, for the hearing, determining and judging, in the last instance, upon complaints of error at common law, and also that a competent court of appeals should be provided within the same, for reviewing, reconsidering and correcting the sentences and decrees of the court of admiralty, other than in cases of capture upon the water, in time of war, from the enemies of the united states of America; and likewise the decrees and sentences of the several registers of wills and for granting administrations.

SECT. 4. *Be it therefore enacted, and it is hereby enacted,* What suits  
by the representatives of the freemen of the commonwealth of  
Pennsylvania, in general assembly met, and by the authority of  
the same, That when any final judgment shall be hereafter  
given in the supreme court in any suit or action, real, per-  
sonal or mixed; or when any final decree or sentence shall  
be pronounced in the court of admiralty of this common-  
wealth, other than in cases of capture as aforesaid; or when  
any final decree or sentence shall be pronounced by any  
register of wills, and for granting administrations, the party  
or parties, his, her and their heirs, executors or adminis-  
trators, against whom such judgment, decree or sentence  
shall be given, may sue forth, in the case of a complaint of  
error in the supreme court, a writ of error, according to  
the course of the common law, but not otherwise, under  
the less seal of the commonwealth, directed to the chief  
justice, or other justice or justices of the said court, com-  
manding him or them to cause the record, and all other  
things concerning the judgment complained of, to be  
brought before the court herein after mentioned and con-  
stituted:

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Of what persons the court shall consist.

Three persons to be commissioned for seven years.

Power of the court.

Proviso.

No appeal to be had unless the matter in controversy exceeds the value of

stituted: And in case of an appeal brought from a definitive sentence or decree of the court of admiralty; or of any register of wills and for granting administrations, the appellant or appellants shall be allowed, and shall have his, her or their appeal to the said court.

*SECT. 5. And be it further enacted by the authority aforesaid,* That the president of the supreme executive council, the judges of the supreme court, the judge of the admiralty for the time being, together with three persons of known integrity and ability, to be appointed and commissioned for seven years, and removable from office in the same manner as the justices of the supreme court now are, be, and they are hereby constituted a court of record, by the name, style, and title of, The High Court of Errors and Appeals; and the said high court of errors and appeals, or any four or more of them, shall have power and authority to examine all such errors as shall be assigned or found in or upon any such judgment given in the supreme court, and thereupon to affirm or reverse the same judgment, as the course of the common law and justice shall require; other than for errors to be assigned for want of form, in any writ, return, plaint, bill, declaration or other pleading, process, verdict or proceeding whatsoever; and that after the said judgment shall be affirmed, or reversed, the record and proceedings and all things concerning the same shall be remitted into the said supreme court, to the end that such further proceedings may be had thereupon, as well for execution as otherwise, as to justice shall appertain; and the said court of errors and appeals shall receive, hear and decide all such appeals from the court of admiralty, and the registers of wills and for granting administrations as aforesaid.

*SECT. 6. Provided always,* That such of the justices of the supreme court, and no other, or the judge of admiralty, as the case may be, who shall have heard and determined any of the causes removed or brought by writ of error, or by appeal, into the said court of errors and appeals, shall be excluded from sitting again judicially, on the hearing of the same cause or controversy in the said court of errors and appeals. And to the end that writs of error may not be brought, or appeals allowed as aforesaid, for matters of small and frivolous value, or for mere delay,

*SECT. 7. Be it enacted by the authority aforesaid,* That no such writ of error shall be granted, nor any appeal be allowed as aforesaid, until the party or parties in error, appellant or appellants, his, her, or their agent or attorney in fact, shall file an affidavit or affirmation with the clerk of the

the said court, attesting that the matter in controversy exceeds the value of four hundred bushels of wheat; and the plaintiff or plaintiffs in error, or the appellant or appellants shall enter into a recognizance to the defendant or defendants in error, or to the appellee or appellees, with two sufficient sureties in double the sum, or double the value in dispute, conditioned to prosecute his, her or their writ of error or appeal with effect, in the said court of errors and appeals; which said recognizance shall be taken in the proper court, or before the register for the probate of wills and granting letters of administration, if the appeal is from his sentence, and subscribed by one of the judges or by the said register; and if the judgment or decree shall be thereupon affirmed, or if the plaintiff or plaintiffs in error or appellant or appellants shall fail to prosecute his, her or their suit with effect, then to satisfy the condemnation money, together with damages, or otherwise abide the judgment in error or the decree in appeal, with double costs; but if the said judgment or decree shall be reversed, each party shall pay his, her and their own costs, in the said court of errors and appeals. And until such security shall be given, the power, authority or proceedings of the said supreme court, court of admiralty, or register respectively, shall not be suspended.

SECT. 8. *And be it further enacted by the authority aforesaid,* That upon the hearing of any cause litigated before the register of wills and for granting of administrations, the depositions of the several witnesses examined therein shall be taken in writing, and made part of the proceedings in the cause; upon which the said court of errors and appeals may reverse the decree of the said register for any error, arising either in fact or law, or affirm the same, according to the merits and justice of the case.

SECT. 9. *Provided always, and be it further enacted by the authority aforesaid,* That if the said register, upon a dispute upon facts arising before him, shall send an issue into the court of common pleas of the county, to try the said facts, which he shall do at the request of either party, and if a verdict establishing the said facts be returned, the said facts shall not be re-examined on appeal; and that no appeal from the decree of the said register concerning the validity of a will or the right to administer shall stay the proceedings, or prejudice the acts of any executor or administrator pending the same, provided the executor shall give sufficient security for the faithful execution of the will and testament to the register; but in case of refusal, the said register is hereby directed to grant letters of administration, during

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wealth.

four hun-  
dred bush-  
els of  
wheat.

Security to  
be given to  
prosecute  
the suit.

Depositions  
taken be-  
fore the re-  
gister of  
wills shall  
be in writ-  
ing and be  
admitted as  
evidence in  
the court of  
errors and  
appeals.

Proviso.

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of the Commonwealth.**Appeals  
made before the 4th  
day of July,  
1776, to the  
King of  
Great Britain  
in council and not  
determined,  
may be  
renewed in  
the court of  
errors and  
appeals.**Place and  
times of sit-  
ting, &c.**Proviso.**Proviso.*

the dispute, which shall suspend the power of such executor during that time.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any party or parties, who have heretofore appealed in any cause from the supreme court of the late province of Pennsylvania to the king of Great Britain in council, and upon which no judgment was had before the fourth day of July, in the year of our Lord one thousand seven hundred and seventy six, to bring a new writ of error according to the common law, and not otherwise, before the said court of errors and appeals; and the said court is hereby empowered and enjoined to proceed therein to judgment, as in other causes, made cognizable in said court by this act, provided security be first given, and an affidavit or affirmation, attesting that the value of the matter in dispute exceeds the sum in like case herein before limited, be filed as aforesaid.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said court of errors and appeals shall sit in the city of Philadelphia, at least twice in every year; that is to say, on the sixth day of April, and twentieth day of September, and if either of the said days should happen to be on a Sunday, then on the next day following; and, if there be any causes depending before the said court, shall have power to adjourn from time to time, and to require and compel the attendance of sheriffs, coroners, constables, and other ministerial officers, as fully as any court of justice in this commonwealth can or may do; and the said court of errors and appeals may appoint a suitable person to be their clerk and register, and ascertain and allow reasonable and moderate fees to such clerk and register, and to any other officer employed by the said court.

SECT. 12. *Provided always, and be it further enacted by the authority aforesaid,* That no fine or common recovery, nor any judgment in any real, personal or mixed action, nor any appeal from the court of admiralty, or register of wills and for granting administrations, shall be avoided or reversed, for any defect or error therein, unless the writ of error be commenced, or the appeal brought and prosecuted with effect, within twenty years after such fines levied, common recovery suffered, judgment signed or entered of record, or decree be pronounced.

SECT. 13. *Provided nevertheless;* That if any person, who is or shall be entitled to any such writ of error or appeal as aforesaid, shall at the time of such title accrued, be within the age of twenty one years, covert, *non compos mentis*,

mentis, in prison, or out of the limits of the united states of America, that then such person, his or her heirs, executors or administrators (notwithstanding the said twenty years be expired) shall and may bring his, her, and their writ of error or appeal, for the reverting of any such fine, recovery or judgment, so as the same be done within five years, after his or her full age, discoverture, coming to sound mind, enlargement out of prison, or return into some one of the united states of America, but not afterwards nor otherwise.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the said judge of admiralty, and every of the three persons to be appointed and associated with the president of the supreme executive council, and judges of the supreme court, as judges of the said court of errors and appeals, shall be entitled to the value of two bushels of wheat for each day they shall attend upon the business of the said court, to be estimated and paid according to the directions of the act, intitled, "An Act for the better support of certain officers of this state, and for ascertaining the specific fines and penalties which they may incur by neglect of duty," by an order on the state treasurer drawn in council, and signed by the president or vice president.

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wealth.

Allowance  
of the judge  
of admiralty,  
and  
three extra  
judges of  
said court.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
28th day of February, A. D. 1780.*

THOMAS PAINÉ, clerk of the general assembly. §

## CHAPTER CXLV.

*An ACT for the more effectual supply and honourable reward of the Pennsylvania troops, in the service of the united states of America.*

SECTION I. WHEREAS the honourable the congress of the united states did, on the fifteenth day of May, Anno Domini one thousand seven hundred and seventy eight, resolve and provide in the words and manner following, viz. "That all military officers commissioned by congress, who now are, or hereafter may be, in the service of the united states, and shall continue therein during the war, and do not now hold any office of profit under the said states, or any of them, shall after the conclusion of the war be entitled to receive annually for the term of seven years, if they

preamble.

" shall

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" shall live so long, one half of the present pay of such officer; provided that no general officer of the cavalry, artillery, or infantry, shall be entitled to receive more than one half part of the pay of a colonel of such corps respectively, and provided that this resolution shall not extend to any officer in the service of the united states, unless he shall have taken the oath of allegiance to, and shall actually reside within some one of the united states." And whereas the military commissioned officers in the federal army of the united states belonging to this state have not only distinguished themselves in the field by their courage and bravery, but have exhibited extraordinary proofs of patriotism, disinterestedness and sacrifice of private considerations to the public good.

SECT. 2. And whereas the continuance of the war, and the signal services and sufferings of the said troops, since the passing the above resolve, have made it highly proper to enlarge and extend the benefits thereof: And the legislature of this state, being desirous to manifest a just sense of the important services which have been rendered by the said officers and soldiers, and in future to supply them with such necessaries as may enable them to support and perform the duties of their several stations with cheerfulness and alacrity:

Half pay allowed by congress, continued for life,

SECT. 3. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the half pay aforesaid, so far as it respects the military commissioned officers of this state, in the service of the united states, shall be continued to the said officers, and every of them, surviving the said term of seven years, and who shall be entitled and admitted to the same, in pursuance of the said resolves, for and during the lives of such officers and officer, and that the rules following shall be duly observed in the application and payment thereof; that is to say :

Except. First, That no person shall have or receive any part of the same, who was a minor under the age of eighteen years, when the regiment or company in which he served shall be reduced.

Secondly, That no person shall have or receive the said half pay, or any part thereof, but such as have done actual service in some regiment or company.

Thirdly, That the said half pay, nor any part thereof, shall be allowed to any person by virtue of any warrant or appointment, except to such persons as would have been otherwise

otherwise entitled to receive the same, as reduced officers, or to such brevet officers as are hereafter mentioned.

*Fourthly,* That the same shall not be allowed or extended to the officers of any new raised corps, or of any troops who have been enlisted for a shorter term than the continuance of the present war.

*Fifthly,* That the same shall not be allowed to any officer who shall not have taken the oath or oaths of allegiance, which now are, or hereafter may be required of the other subjects of this state, and also reside in some one of the united states.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That from and after the publication of this act the widows of such commissioned military officers as have fallen in battle or died in actual service or captivity, and whose husbands, if they had lived, would have been entitled to such half pay, and those who may hereafter become the widows of officers so falling in battle, or dying in actual service or captivity, during the continuance of the present war, shall be entitled to half of the pay which their husbands were respectively intitled to whilst in said service, during their widowhood, and no longer.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That on the petition of any of the said widows to the orphans court in any county of this state, the said court shall, in a summary way, inquire into the claim of such widow to the half pay allowed by this act; and the said court, on receiving satisfactory proof of the marriage, and that the husband of the said widow would, if he had lived, have been entitled to half pay under this act; which proof shall be by a certificate under the hand and seal of the colonel or other commanding officer of the regiment, battalion or company to which the deceased last belonged, setting forth the commission which he last held, and the regiment, battalion or company in which he last served, and also the time and place of his death; such certificate to be attested under the hands of two witnesses; or in the case of the widow of such commanding officer, from the officer next in command: And the said petitioner shall produce also to the court, the commission under which such claim shall be made, or at least a certificate from the honourable the board of war of the united states, that such commission had issued; whereupon, if the said court shall be satisfied of the justice of such claim, it shall proceed to ascertain the same, by way of annuity, and make an order on the county treasurer for the payment of such annuity, either quarterly or annually, as to the said court shall seem meet, according to the true intent

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wealth.*

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wealth.*

Orphans court shall examine the records of annuities every three months.

Lands granted to officers and soldiers, to be exempt from taxation.

Officers shall annually receive a complete uniform suit of clothes.

Preamble.

tent and meaing of this act; and the said treasurer shall advance and pay the said annuity, as it becomes due, out of any monies belonging to the state, which he may have in his hands, and shall be allowed the same in passing his accounts.

*SECT. 6. And be it further enacted by the authority aforesaid,* That the said orphans court shall once in three months in every year examine the record of such annuities, and send an authentic list of the names of the said widows, and sums to which they are respectively entitled, to the county treasurer, distinguishing therein the names of such annuitants as have died, or been married again; and the clerk of the said court, once in every year, or oftener if required, shall transmit a copy of such list to the secretary of the supreme executive council of this state.

*SECT. 7. And be it further enacted by the authority aforesaid,* That all lands which have been, or may hereafter be granted within this state to any officers or soldiers of the line of this slate, by virtue of any resolution of congress or law of this state, as a reward for their services, shall be, and are hereby exempted from taxation, for and during the life of such officer or soldier respectively, unless the same shall be transferred or aliened to any other person.

*SECT. 8. And be it further enacted by the authority aforesaid,* That every major general, brigadier general, colonel, lieutenant colonel, major, captain, lieutenant, ensign, chaplain, surgeon, and surgeons mate, belonging to the troops of Pennsylvania, and engaged to serve during the present war, shall, during his continuance in actual service, be furnished with one complete suit of regimental uniform clothes once in every year, and no more; and that the supreme executive council shall from time to time purchase and procure the same, at the charge of this commonwealth, out of any of the unappropriated monies in the state treasury; the said suit of clothes to consist of the following articles, viz. One hat, one coat, one waistcoat, two pair of breeches, three pair of stockings, thread or worsted, three pair of shoes, three shirts, and three stocks.

*SECT. 9. And whereas* the officers and soldiers, of the troops of this state, in the army of the united states of America, enlisted for and during the continuance of the present war, and serving in the field, have been greatly distressed by the excessive advance in the price of divers necessaries and accommodations not included in the ration of provisions furnished to them by the public; and also by the difficulty of procuring them at places distant from the place of manufacture or importation.

SECT.

SECT. 10. *And whereas* the assembly of this state did heretofore by sundry resolves, authorise and impower the supreme executive council of this state to draw upon the state treasurer from time to time for any sums of money which they should judge necessary to relieve in some measure the necessities of the officers and soldiers belonging to this state, and serving in the army of the united states, and to appoint commissaries to purchase rum, sugar, coffee, tea, chocolate, tobacco, and hard soap, and such other articles as to the said council might appear necessary, and suitable for the comfort of the said troops, under such regulations and restrictions as are set forth and expressed in the said resolves.

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of t. mon-  
wealth.

SECT. 11. *And whereas* the council, in the execution of the said resolves, did direct that the distribution and issue of the said enumerated articles should not exceed the ratio or proportion following; that is to say, For each ration of provisions to which each officer and soldier as aforesaid shall be respectively entitled by the acts of congress, one pint of rum, half a pound of sugar, a quarter of a pound of coffee, one ounce of tea, half a pound of chocolate, and one quarter of a pound of tobacco, once in every week; and the same having been found by experience to be beneficial and satisfactory,

SECT. 12. *Be it enacted by the authority aforesaid,* That the purchase and supply of the said enumerated articles shall be, and are hereby continued for the benefit of the said officers and soldiers of this state, during their actual service in the army of the united states, and that the said articles shall be distributed and issued to them in the proportions above set forth, and at the following prices, to wit; Rum or spirits by the gallon five shillings, muscovado sugar three shillings and nine pence per pound, tea at twelve shillings per pound, hard soap at one shilling and three pence per pound, tobacco at nine pence per pound, or under such other rules and regulations as the president or vice president in council may and shall from time to time direct; and that the supreme executive council shall defray the expence of procuring the said articles, and the distribution thereof, from time to time, out of such monies as are or may be in the state treasury not specially appropriated.

Price which  
certain ar-  
ticles shall  
be furnish-  
ed at to the  
army.

SECT. 13. *Provided,* That no officer or soldier shall be deemed entitled thereto, unless while on actual duty in camp, or garrison, or march, and that no issues be made thereof at any time under the name or character of back rations.

SECT.

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wealth.*

Proviso.

*Officers,  
seamen and  
mariners  
shall receive  
like allow-  
ances with  
the army.**The wi-  
dows of the  
officers of  
the navy  
entitled to  
annuities.*

Preamble.

*Provision  
made for  
the children  
of officers.*

**SECT. 14.** *Provided also,* That no officer shall be deemed or entitled to a proportion of the said cloathing or stores for more than one commission, nor any officer of this state holding or appointed to any rank by brevet, unless when so appointed and distinguished by the honourable congress for extraordinary merit, and so signified in his commission; in which case, and the same being duly made known to the supreme executive council, such brevet officer shall be empowered by special order of council to receive like privileges and benefits as other officers in the line.

**SECT. 15.** *And be it further enacted by the authority aforesaid,* That the officers, seamen and marines employed in the service of this state, and who were in actual service on the thirteenth day of March last, and shall continue therein till the end of the present war, or till honourably discharged, shall be entitled to the allowances and benefits herein before granted to the military officers and soldiers respectively, of the Pennsylvania troops, as to half pay and cloathing, and to like supply and distribution of the articles above enumerated, subject to the same limitations and conditions; the half pay of the said officers of the navy to commence at the expiration of the present war or their discharge.

**SECT. 16.** *Be it also enacted by the authority aforesaid,* That the widows of any of the said officers of the said navy, who now are, or have been in actual service, and have been killed or died in such service, shall be entitled to half pay in the same manner and under the same limitations and conditions as the widows of officers in the land service herein before mentioned.

**SECT. 17.** *And whereas* it may often happen that officers in both the sea and land service may be killed or die therein, having a child or children and no wife, or such widow may re-marry, or die, in which case the said children may become destitute.

**SECT. 18.** *Be it therefore enacted by the authority aforesaid,* That in such case the said orphans court shall, and it is hereby empowered to nominate one or more suitable persons to be guardians of the said child or children, and to order and direct the half pay, to which the father would have been entitled, to be paid to such guardian or guardians, for such time and in such manner as to the said court shall seem meet, so as the same be not longer than such child or children respectively attains the age of fourteen years; and in like manner, in case of the death or marriage of any officer's widow having a child or children, to transfer and set over the half pay by her enjoyed, to the use and

and benefit of such child or children, not exceeding the term aforesaid.

SECT. 19. *And be it further enacted by the authority aforesaid,* That all the officers and soldiers who have been, or shall be regularly transferred from any of the regiments forming the line of this state into the invalid regiment, and such transfer duly certified by the commanding officer thereof, to the president or vice president in council, shall be, and they are hereby entitled to all the benefits, privileges and advantages which are by this act granted to any officers or soldiers belonging to this state. And in order that the persons for whom the benefits and advantages aforesaid are entitled may be clearly ascertained and determined;

SECT. 20. *Be it enacted by the authority aforesaid,* That the officers and soldiers of the line of this state, in the federal army, consisting of eleven regiments of infantry, and the regiment of artillery commanded by colonel Thomas Proctor, including the companies of artillery now or late commanded by the captains Porter, Lee, Jones and Coren; the invalids aforesaid; the Pennsylvania officers and soldiers in the several corps of guards, light dragoons, artillery, and infantry, other than the artificers, who are no part of the eighty eight battalions originally apportioned on the states, and who are or shall be considered by the honourable congress as part of the quota of this state, and accepted as such by the president or vice president in council; and the naval officers above mentioned.

SECT. 21. *Provided always,* That no officer or soldier of the army shall be admitted to the benefits and advantages aforesaid, unless he be ascertained to belong to the quota of this state, in the manner and form directed and prescribed in and by an act of congress of the fifteenth day of March last, and accepted by the president or vice president in council as aforesaid; nor shall any such officer or soldier be entitled to the continuance of the same, unless it shall appear by returns to be made every three months or oftener, by the commanding officer of the division, brigade, or separate command under whom such officer or soldier shall serve, that such person shall continue in the federal army, nor unless such officer or soldier shall be certified to be commissioned and enlisted for and during the present war:

SECT. 22. *And whereas* the public service may hereafter require further arrangements, regulations and alterations to be made of the regiments in the line of the state, and of the officers who may compose the same, or be entitled to the benefits of this act.

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of the Common-  
wealth.

And for the  
invalids  
from the  
Pennsylva-  
nia line.

Who are  
the troops  
entitled to  
the benefits  
of this act.

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of the Common-  
weal'th.**Council to  
make new  
arrange-  
ments, and  
opposers to  
forfeit. &c.**Disputes to  
be adjust-  
ed by the  
council.*

SECT. 23. *Be it therefore enacted by the authority aforesaid,* That if any person entitled to the emoluments, privileges and benefits by this act allowed and granted, shall refuse to conform to such arrangements, regulations and alterations as may be hereafter made by the honourable the congress of these united states, or by the supreme executive council of this state, in concurrence with the commander in chief of the armies of the united states, it shall and may be lawful, and the president or vice president in council are hereby authorised to retain and withhold the said benefits and advantages hereby given from any such regiment, troop, company, officer or person so refusing, for and during such refusal; any thing herein before contained to the contrary notwithstanding.

SECT. 24. *Be it also enacted by the authority aforesaid,* That if any difficulty or doubt should arise concerning the persons entitled to the benefits and advantages granted by this act, other than the widows and children aforesaid, the same shall be adjudged and finally determined by the supreme executive council of this state.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday, the  
1st day of March, A. D. 1780.  
THOMAS PAINE, clerk of the general assembly.*

## CHAPTER CXLVI.

### *An ACT for the gradual abolition of slavery.*

Preamble. SECTION I. WHEN we contemplate our abhorrence of that condition to which the arms and tyranny of Great Britain were exerted to reduce us; when we look back on the variety of dangers to which we have been exposed, and how miraculously our wants in many instances have been supplied, and our deliverances wrought, when even hope and human fortitude have become unequal to the conflict; we are unavoidably led to a serious and grateful sense of the manifold blessings which we have undeservedly received from the hand of that Being from whom every good and perfect gift cometh. Impressed with these ideas, we conceive that it is our duty, and we rejoice that it is in our power to extend a portion of that freedom to others, which hath been extended to us; and a release from that state of thraldom to which we ourselves

ourselves were tyrannically doomed, and from which we have now every prospect of being delivered. It is not for us to enquire why, in the creation of mankind, the inhabitants of the several parts of the earth were distinguished by a difference in feature or complexion. It is sufficient to know that all are the work of an Almighty Hand. We find in the distribution of the human species, that the most fertile as well as the most barren parts of the earth are inhabited by men of complexions different from ours, and from each other; from whence we may reasonably, as well as religiously, infer, that He who placed them in their various situations, hath extended equally his care and protection to all, and that it becometh not us to counteract his mercies. We esteem it a peculiar blessing granted to us, that we are enabled this day to add one more step to universal civilization, by removing as much as possible the sorrows of those who have lived in undeserved bondage, and from which, by the assumed authority of the kings of Great Britain, no effectual, legal relief could be obtained. Weaned by a long course of experience from those narrow prejudices and partialities we had imbibed, we find our hearts enlarged with kindness and benevolence towards men of all conditions and nations; and we conceive ourselves at this particular period extraordinarily called upon, by the blessings which we have received, to manifest the sincerity of our profession, and to give a substantial proof of our gratitude.

SECT. 2. *And whereas* the condition of those persons who have heretofore been denominated Negro and Mulatto slaves, has been attended with circumstances which not only deprived them of the common blessings that they were by nature entitled to, but has cast them into the deepest afflictions, by an unnatural separation and sale of husband and wife from each other and from their children; an injury, the greatness of which can only be conceived by supposing that we were in the same unhappy case. In justice therefore to persons so unhappily circumstanced, and who, having no prospect before them whereon they may rest their sorrows and their hopes, have no reasonable inducement to render their service to society, which they otherwise might; and also in grateful commemoration of our own happy deliverance from that state of unconditional submission to which we were doomed by the tyranny of Britain.

SECT. 3. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all persons, as well Negroes and Mulattoes as others,*

No child  
born here-  
after to be  
a slave.

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of the Common-  
wealth.

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of the Common-  
wealth.**Negro and  
Mulatto  
children to  
be servants  
till twenty  
eight years  
of age.*

who shall be born within this state from and after the passing of this act, shall not be deemed and considered as servants for life, or slaves; and that all servitude for life, or slavery of children, in consequence of the slavery of their mothers, in the case of all children born within this state, from and after the passing of this act as aforesaid, shall be, and hereby is utterly taken away, extinguished and for ever abolished.

*SECT. 4. Provided always, and be it further enacted by the authority aforesaid, That every Negro and Mulatto child born within this state after the passing of this act as aforesaid (who would, in case this act had not been made, have been born a servant for years, or life, or a slave) shall be deemed to be and shall be by virtue of this act the servant of such person or his or her assigns, who would in such case have been entitled to the service of such child, until such child shall attain unto the age of twenty eight years, in the manner and on the conditions whereon servants bound by indenture for four years are or may be retained and holden; and shall be liable to like correction and punishment, and entitled to like relief in case he or she be evilly treated by his or her master or mistress, and to like freedom dues and other privileges as servants bound by indenture for four years are or may be entitled, unless the person to whom the service of any such child shall belong shall abandon his or her claim to the same; in which case the overseers of the poor of the city, township or district respectively, where such child shall be so abandoned, shall by indenture bind out every child so abandoned, as an apprentice for a time not exceeding the age herein before limited for the service of such children.*

*All slaves to  
be register-  
ed before  
1st Novem-  
ber next.*

*SECT. 5. And be it further enacted by the authority aforesaid, That every person, who is or shall be the owner of any Negro or Mulatto slave or servant for life or till the age of thirty one years, now within this state, or his lawful attorney, shall on or before the said first day of November next deliver or cause to be delivered in writing to the clerk of the peace of the county, or to the clerk of the court of record of the city of Philadelphia, in which he or she shall respectively inhabit, the name and surname and occupation or profession of such owner, and the name of the county and township, district or ward wherein he or she resideth; and also the name and names of any such slave and slaves, and servant and servants for life or till the age of thirty one years, together with their ages and sexes severally and respectively set forth and annexed, by such person owned or statelied employed and then being within this state, in order to ascertain and distinguish the slaves and servants for life, and*

and till the age of thirty one years, within this state, who shall be such on the said first day of November next, from all other persons; which particulars shall by said clerk of the sessions and clerk of the said city court be entered in books to be provided for that purpose by the said clerks; and that no Negro or Mulatto, now within this state, shall from and after the said first day of November, be deemed a slave or servant for life, or till the age of thirty one years, unless his or her name shall be entered as aforesaid on such record, except such Negro and Mulatto slaves and servants as are herein after excepted; the said clerk to be entitled to a fee of two dollars for each slave or servant so entered as aforesaid from the treasurer of the county, to be allowed to him in his accounts.

**SECT. 6.** *Provided always,* That any person, in whom the ownership or right to the service of any Negro or Mulatto shall be vested at the passing of this act, other than such as are herein before excepted, his or her heirs, executors, administrators and assigns, and all and every of them severally shall be liable to the overseers of the poor of the city, township or district to which any such Negro or Mulatto shall become chargeable, for such necessary expence, with costs of suit thereon, as such overseers may be put to, through the neglect of the owner, master or mistress of such Negro or Mulatto; notwithstanding the name and other descriptions of such Negro or Mulatto shall not be entered and recorded as aforesaid; unless his or her master or owner shall before such slave or servant attain his or her twenty eighth year execute and record in the proper county a deed or instrument, securing to such slave or servant his or her freedom.

Owners of  
slaves, tho'  
not regis-  
tered, to be  
liable for  
their sup-  
port, un-  
less, &c.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the offences and crimes of Negroes and Mulattoes, as well slaves and servants as freemen, shall be enquired of, adjudged, corrected and punished in like manner as the offences and crimes of the other inhabitants of this state are and shall be enquired of, adjudged, corrected and punished, and not otherwise; except that a slave shall not be admitted to bear witness against a freeman.

Negroes to  
be tried  
like other  
inhabitants.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That in all cases wherein sentence of death shall be pronounced against a slave, the jury before whom he or she shall be tried, shall appraise and declare the value of such slave; and in case such sentence be executed, the court shall make an order on the state treasurer, payable to the owner for the same and for the costs of prosecution; but in case of remission or mitigation, for the costs only.

Jury to va-  
lue in case  
of sentence  
of death.

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of the Common-  
wealth.*

## HIS EXCELLENCE

1780.

The fourth Year  
of the Common-  
wealth.Reward for  
taking up  
runaways,  
same as for  
white ser-  
vants.None to be  
deemed  
slaves, but  
tho't re-  
gistered.Except  
runaways  
from other  
statesSlaves car-  
ried away,  
&c. from  
this state,  
may be  
brought  
back and  
registeredPreamble.

**SECT. 9.** *And be it further enacted by the authority aforesaid, That the reward for taking up runaway and absconding Negro and Mulatto slaves and servants, and the penalties for enticing away, dealing with, or harbouring, concealing or employing Negro and Mulatto slaves and servants, shall be the same, and shall be recovered in like manner as in case of servants bound for four years.*

**SECT. 10.** *And be it further enacted by the authority aforesaid, That no man or woman of any nation or colour, except the Negroes or Mulattoes who shall be registered as aforesaid, shall at any time hereafter be deemed, adjudged, or holden within the territories of this commonwealth as slaves or servants for life, but as free men and free women; except the domestic slaves attending upon delegates in congress from the other American states, foreign ministers and consuls, and persons passing through or sojourning in this state, and not becoming resident therein, and seamen employed in ships not belonging to any inhabitant of this state, nor employed in any ship owned by any such inhabitant. Provided such domestic slaves be not aliened or sold to any inhabitant, nor (except in the case of members of congress, foreign ministers and consuls) retained in this state longer than six months.*

**SECT. 11.** *Provided always, and be it further enacted by the authority aforesaid, That this act or any thing in it contained shall not give any relief or shelter to any absconding or runaway Negro or Mulatto slave or servant, who has absented himself or shall absent himself from his or her owner, master or mistress residing in any other state or country, but such owner, master or mistress shall have like right and aid to demand, claim and take away his slave or servant, as he might have had in case this act had not been made: And that all Negro and Mulatto slaves now owned and heretofore resident in this state, who have absented themselves, or been clandestinely carried away, or who may be employed abroad as seamen and have not returned or been brought back to their owners, masters or mistresses, before the passing of this act, may within five years be registered as effectually as is ordered by this act concerning those who are now within the state, on producing such slave before any two justices of the peace, and satisfying the said justices by due proof of the former residence, absconding, taking away, or absence of such slaves as aforesaid; who thereupon shall direct and order the said slave to be entered on the record as aforesaid.*

**SECT. 12.** *And whereas attempts may be made to evade this act, by introducing into this state Negroes and Mulattoes*

toes bound by covenant to serve for long and unreasonable terms of years, if the same be not prevented:

SECT. 13. *Be it therefore enacted by the authority aforesaid,* That no covenant of personal servitude or apprenticeship whatsoever shall be valid or binding on a Negro or Mulatto for a longer time than seven years, unless such servant or apprentice were at the commencement of such servitude or apprenticeship under the age of twenty one years; in which case such Negro or Mulatto may be holden as a servant or apprentice respectively, according to the co-venaht, as the case shall be, until he or she shall attain the age of twenty eight years, but no longer.

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of the Commonwealth.

No Negroes  
or Mulat-  
toes, other  
than in-  
fants, to be  
bound for  
longer than  
seven years.

SECT. 14. *And be it further enacted by the authority aforesaid,* That an act of assembly of the province of Pennsylvania, passed in the year one thousand seven hundred and five, intitled, "An Act for the trial of Negroes;" and another act of assembly of the said province, passed in the year one thousand seven hundred and twenty five, intitled, "An Act for the better regulating of Negroes in this province;" and another act of assembly of the said province, passed in the year one thousand seven hundred and sixty one, intitled, "An Act for laying a duty on Negro and Mulatto slaves imported into this province;" and also another act of assembly of the said province, passed in the year one thousand seven hundred and seventy three, intitled, "An Act for making perpetual an act for laying a duty on Negro and Mulatto slaves imported into this province, and for laying an additional duty on said slaves," shall be and are hereby repealed, annulled and made void.

Repeal of  
former acts.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Wednesday,  
the 1st day of March, A. D. 1780.

THOMAS PAINE, clerk of the general assembly. §

## CHAPTER CXLVII.

*An ACT to compel the settlement of the public accounts.*

SECTION I. WHEREAS in the course of the pre- Preamble.  
sent contest between the inhabitants of the united states of America and Great Britain, very large and great expenditures and advances of public money have been made by the good people of Pennsylvania in the common cause.

SECT.

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of the Common-  
wealth.*

SECT. 2. *And whereas* many of the persons to whom such advances of money have been made, regardless of the public welfare, as well as of their own credit and character, have refused or neglected, and do still refuse or neglect to exhibit their accounts and vouchers, and to settle their accounts notwithstanding the opportunity which has been given, and the repeated calls which have been made upon such defaulters by the auditors appointed and authorised in and by an act of assembly of this commonwealth, intitled, “*An Act for settling the accounts of the late committee and council of safety,*” passed on the second day of September, which was in the year of our Lord one thousand seven hundred and seventy eight, and a supplement to the said act, passed on the fifth day of December following, and a further supplement to the said act, passed on the thirty first day of March last; whereby the said auditors were also authorised to audit, adjust and settle the accounts of the late navy board and board of war of this state, and such other accounts as may be intimately connected with the same.

SECT. 3. *And whereas* divers of the said defaulters, who ought to have attended upon and accounted with the committees of accounts of the assemblies of this commonwealth, or one of the said committees, though such persons have been frequently called on by the committee of accounts for the time being, to appear before such committee, and to exhibit their accounts and vouchers, in order that their several accounts might be adjusted and settled, have refused or neglected to appear before the said committee, or to exhibit their accounts and vouchers, and have their several accounts settled as aforesaid.

SECT. 4. *And whereas* it is highly necessary as well for ascertaining and settling the accounts of the expenditures made as aforesaid by Pennsylvania, before the revolution and since, at the request and for the account of the honourable congress of the united states of America, as the accounts of the special exertions of Pennsylvania in the common cause, in order to satisfy the good people of this state of the proper and just application of the public treasure, and of the necessity of submitting to the heavy taxes which have been layed upon them. In order therefore to compel the defaulters aforesaid, and every of them, and all others to whom the public monies of Pennsylvania may have been advanced either before the revolution or since, or who may be otherwise possessed thereof, and who ought to account for the same, to appear before the auditors appointed or to be appointed by or in pursuance of this act, to attend the said auditors and produce their accounts and vouchers.

vouchers and settle their said accounts, and pay over to the treasurer of this state the balances which may be respectively due to the commonwealth from such defaulters.

SECT. 5. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That Joseph Deane, John Purviance and Samuel Miles, of the city and county of Philadelphia, esquires, are hereby appointed auditors, with full power to collect, audit, liquidate, adjust and settle the accounts of the late committee of safety and of the council of safety of Pennsylvania, who ceased to act in the month of March which was in the year of our Lord one thousand seven hundred and seventy seven, and all others which ought to have been settled before the auditors appointed by or in pursuance of the acts aforesaid, and have not been finally settled and adjusted; and the accounts of such defaulters as aforesaid, who were accountable before the committee of accounts of any former house of assembly; and the accounts of all such persons who have been, or may be intrusted with, or have or may become possessed of the monies, goods or effects of this commonwealth, and are or shall be accountable for the same, except as hereafter excepted, and shall fail so to settle their several accounts; and in any case wherein it shall appear that a balance of monies shall be due by any such person or persons to this commonwealth, the said auditors, or any two of them, shall direct that payment thereof be made to the treasurer of this state; and the certificate of the said auditors, or any two of them, shall be conclusive evidence in an action of debt at the suit of the commonwealth against any person or persons for the sums of money which such person or persons owe or may be indebted to the commonwealth; and no set-off, or deduction from the same, shall be admitted; and in case any person or persons, his, her or their heirs, executors or administrators, to whom the monies of this state have been advanced, or to whose hands such monies have or may come, and who are or may be accountable for the same before the said auditors, shall upon the final settlement of his, her or their accounts, satisfy the said auditors, or any two of them, that there is a balance of money due to such person or persons from the commonwealth, the said auditors shall make an order for the same on the said treasurer, payable to the person or persons entitled to receive the same; which order the said treasurer is hereby directed to pay.

SECT. 6. And be it further enacted by the authority aforesaid, That the said auditors, or any two of them, are

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The fourth Year  
of the Common-  
wealth.Names of  
the auditors  
and their  
authority;who are to  
direct pub-  
lic debtors  
to pay to  
the treasur-  
er of this  
state,and to draw  
orders on  
him for ba-  
lances due  
to any ac-  
counts.

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of the Common-  
wealth.

Auditors to open an office in Philadelphia, and employ clerks, and publish their appointment.

Justices to have this act read in the quarter sessions.

Auditors to prepare books, and to call out the former auditors for their papers, &c.

Auditors to attend at other places in the state, besides the city,

hereby directed and empowered to open an office in the city of Philadelphia, for the purpose of regularly receiving, auditing and settling the said accounts, and may hire and employ skilful accountants or clerks to assist them in the business hereby committed to them, and allow to such accountants and clerks suitable compensations for their services. And the said auditors shall give public notice of their appointment, and of the place where the said office shall be kept, by advertisements inserted in some newspaper printed in the said city, and by like advertisements to be read in the courts of general quarter sessions of the peace to be held for said city and the several counties of the state, requiring all persons, who ought to account before the said auditors, to attend at the said office, or elsewhere, as is herein after provided, and produce their accounts and vouchers, and other evidence necessary to support and ascertain the same; and that all such defaulters do attend the said auditors, and comply with the directions of this act, under the pains and disabilities therein provided. And the justices of the peace in the said several courts of general quarter sessions shall cause this act to be read aloud in the said courts, in order that the same may be more generally known.

*SECT. 7. And be it further enacted by the authority aforesaid, That the said auditors shall be and are hereby authorised to purchase and prepare proper and sufficient books, in which they shall enter all accounts by them settled, therein carefully distinguishing and separating all such accounts and charges as are the proper accounts and charges of this state from such as belong to the account of the united states of America, or any of them, and to call upon the former auditors of accounts as aforesaid, for the several books, papers and records belonging to the said office.*

*SECT. 8. And be it further enacted by the authority aforesaid, That if it shall appear to the supreme executive council of this state to be useful for the advancement of this necessary business, and the ease of persons accountable before the said auditors residing at a great distance from the said city, the said council may direct the said auditors to give their attendance at one or more places within this state on the western side of the river Susquehanna; and at two or more several places, other than the said city, eastward of the said river, for such length of time as shall be judged suitable for the purpose of receiving, adjusting and settling the accounts of such persons who dwell remote from*

from the said city; due notice of the same being first given by advertisement in some newspaper printed in the said city, and in the courts of general quarter sessions as aforesaid. And the better to enable the said auditors to obtain a full and certain knowledge of the accounts directed to be settled by them as aforesaid, and to make a speedy as well as a just settlement thereof.

*SECT. 9. And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said auditors, or any two of them, as often as there shall be occasion, to call before them by subpœna or summons, and in case of contempt to issue a writ of attachment, in order to compel the appearance of any person or persons who is or may be accountable before the said auditors by virtue of this act, or who the said auditors may reasonably suppose is or are capable of giving evidence or information concerning the said accounts, or any of them; and the said auditors, or any two of them, are hereby authorised to examine, upon oath or affirmation, any person as a witness respecting any such account; which oath or affirmation the said auditors, or any two of them, is hereby empowered to administer; and in case any person or persons on whom such subpœna or summons shall be served, being accountable before the said auditors, shall refuse to appear, as in such writ shall be expressed and directed; or, having appeared before the said auditors, shall refuse or neglect to exhibit his, her, or their accounts, and attend the settlement thereof; or, being summoned as a witness, shall neglect or refuse to appear before the said auditors, at the time and place appointed in and by such subpœna or summons, and shall make default thereupon; or, having appeared as aforesaid, shall refuse to make a full disclosure of his, her or their knowledge in the matter depending before the said auditors; the said auditors, or any two of them, may award an attachment, and commit such delinquent or delinquents to the common goal of the county, there to be holden till such person or persons shall submit to the said auditors, and comply with the directions of this act; and all persons who shall be summoned as witnesses by the said auditors, and every sheriff, coroner or other officer to whom they shall direct their precepts or writs as aforesaid, shall be allowed like fees for their attendance and services as witnesses summoned to appear in the inferior courts of justice, and sheriffs, coroners, and other officers are entitled to in such courts; such costs, together with such further charges accruing, to be levied on the several delinquents by the said

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*The fourth Year  
of the Common-  
wealth.*

Notice  
thereof  
being first  
given.

Auditors to  
issue subpœ-  
nas and at-  
tachments,

and for  
contempt  
to commit.

Witnesses  
and sheriff's  
fees to be as  
in the infe-  
rior court.

## HIS EXCELLENCE

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*The fourth Year  
of the Common-  
wealth.**Upon non  
est return-  
ed, to issue  
attachment.**Defaulters  
upon sum-  
mons, to be  
barred of all  
set-off or de-  
duction,  
and liable  
for the mo-  
ney adver-  
ced.*

said auditors, or any two of them, by warrant in like manner as small debts are recoverable.

**SECT. 10.** *Provided always, and be it further enacted by the authority aforesaid, That if upon any subpœna or summons requiring the attendance of any person or persons before the said auditors as aforesaid, a return be made, that such person is not to be found within the proper county, then the said auditors, or any two of them, may issue an attachment, and proceed thereon as aforesaid, as if such subpœna or summons had been duly serv'd.*

**SECT. 11.** *And be it further enacted by the authority aforesaid, That if any person or persons, who by virtue of this act are or shall be accountable before the said auditors for any sum or sums of money, which have been or may be advanced to such person or persons, or for any monies, goods, chattels or effects, which have or may come to the hands or possession of such person or persons, shall for three months after the service of such subpœna or summons as aforesaid, or three months after demand made in the general quarter sessions of the peace of the city or county where such person or persons last abode, for such person or persons to appear before the said auditors, and exhibit and settle his or their accounts as aforesaid, refuse or neglect to obey such subpœna, summons or demand, and comply with the directions of this act, then such person and persons so refusing and neglecting shall be liable to an action of debt or other action at the suit of the commonwealth, for the whole of the sum and sums of money, goods, chattels and effects belonging to the public, which he ought to account for as aforesaid before the said auditors, and shall be for ever barred of setting off any charge or expenditure thereout, and from recovering any satisfaction for any services done for the public; unless the said auditors, or any two of them, shall, before the said term of three months be expired, certify in behalf of such person or persons, that it is reasonable that further time be allowed to such person or persons for exhibiting and settling his, her or their accounts; in which case, upon sufficient security being entered by the party or parties in whose behalf such certificate shall be made for the whole money or other property unaccounted for by such person or persons, the supreme executive council may, by an entry on their journal, allow of further time as aforesaid.*

**SECT. 12.** *And be it further enacted by the authority aforesaid, That the said auditors shall be and hereby are authorised to draw on the treasurer of this state for such money*

monies as may be necessary to purchase books, paper, quills and ink, and for office rent, and for the salaries of their clerk or clerks, and other necessary charges and expences. And in case any of the persons who are hereby appointed auditors as aforesaid shall refuse or neglect to act as such, or in case any vacancy shall happen in the said board of auditors by death or otherwise, that then and in such case the supreme executive council of this state, in the recess of the assembly, shall fill up the same, otherwise the same shall be filled by vote of the assembly, as often as the same shall be necessary. And each of the said auditors shall be entitled to and receive for his services in the execution of this act the value of two bushels of wheat, as the same from time to time shall be declared by the assembly, in pursuance of an act, intitled, "An Act for the better support of certain officers of this state, and for ascertaining the specific fines and penalties which they may incur by neglect of duty," for each day he shall attend on and be employed in auditing and adjusting the accounts aforesaid, or such other recompence as the assembly shall direct. And the supreme executive council may draw orders on the treasurer of this state, payable to the said auditors severally for the monies hereby allowed to them.

SECT. 13. *Provided* that nothing herein contained shall prevent the settlement of the following accounts before the committee of accounts, appointed annually by the house of assembly, to wit, The settlement of the accounts of the state treasurer, the general loan office, light house rates, duties on slaves, collectors of excise, Province island, and other public estates, county commissioners and treasurers, and the incidental charges of the house of general assembly.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the aforesaid act of assembly, intitled, "An Act for settling the accounts of the late committee and council of safety," with the supplement and further supplement thereto; and the act, intitled, "An Act to compel certain persons entrusted with public monies by or for the use of this commonwealth to account for the same, and to pay such parts thereof as they shall be chargeable with into the state treasury," passed the second day of April, one thousand seven hundred and seventy nine, are hereby repealed and made void.

SECT. 15. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That this repeal shall not extend to or affect any settlement of accounts made by the auditors or commissioners appointed by or in pursuance of the said acts so repealed, or any of them, but that the same shall be

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of the Common-  
wealth.Auditors to  
draw on  
treasurer,  
&c.How vacan-  
cies may be  
supplied.Their al-  
lowance.Council to  
draw for it.Proviso,  
that the  
committee  
of accounts  
may settle  
certain ac-  
counts-Repeal of  
former  
laws.Repeal not  
to affect set-  
tlements by  
former au-  
ditors or  
commission-  
ers.

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The fourth Year  
of the Commonwealth.

as sufficient and of like effect as if the same were made and settled in pursuance of this act.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday,*  
*the 1st day of March, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

## CHAPTER CXLVIII.

*An ACT to alter and amend an act of assembly, intituled,  
 "An Act for the effectual suppression of public auctions  
 "and vendues, and to prohibit male persons capable of  
 "bearing arms, from being hawkers and pedlars," so  
 far as to allow the sale by public auction of goods damaged  
 or shipwrecked.*

Preamble.

SECTION 1. WHEREAS in the act of assembly, intituled, "An Act for the effectual suppression of public auctions and vendues, and to prohibit male persons capable of bearing arms, from being hawkers and pedlars," passed on the twenty fifth day of November last, no provision was made for the sale by public auction of damaged goods, or goods saved out of ships or vessels wrecked, or which, for the satisfaction of insurers and others, it may be proper and reasonable should be sold after that manner.

Damaged  
and ship-  
wrecked  
goods may  
be sold by  
auction.

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the publication of this act, all goods and merchandise which shall really and bona fide be damaged and in a perishable condition, or which shall be saved out of any ships or vessel cast away or wrecked, or so circumstanced by distresses of storms or otherwise, that the cargo or lading thereof ought to be sold for the account of insurers, and anchors and cables taken up at sea or in the river or bay of Delaware, and which ought to be sold to ascertain the salvage due thereupon to the person or persons who may take up the same, may be sold at public auction or vendue, the said act notwithstanding; subject however to the rules and restrictions therein prescribed, as to the sale by public auction or vendue of goods and merchandise thereby permitted to be sold by public auction or vendue.

SECT.

SECT. 3. *Provided always, and be it further enacted by the authority aforesaid,* That before the auctioneer of the city of Philadelphia shall proceed to sell by public auction or vendue any goods or merchandise by virtue of this act, he shall be furnished with the licence of the president or vice president in council, authorising such sale, in which the goods and merchandise thereby permitted to be sold as aforesaid shall be specified and particularised, such licence to be grounded on the report on oath or affirmation of three judicious and indifferent men, who being appointed by the said president or vice president in council for that purpose, shall have carefully enquired of and viewed the said goods and merchandise, and found them to come within the intent and benefit of this act:

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wealth.

Provided  
that in Phil-  
adelphia  
the council  
licence the  
same.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the  
2d day of March, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

## C H A P T E R CXLIX.

*An ACT for confirming and amending the charter of the German Lutheran congregation in and near the city of Philadelphia, in the state of Pennsylvania.*

SECTION I. WHEREAS the members of the corporation called and known by the name of "The Rector, Vestrymen and Church Wardens" of the German Lutheran Congregation in and near the city of Philadelphia, in the Province of Pennsylvania," by their petition have shewn, that in the year of our Lord one thousand seven hundred and sixty five, by the charter of the then proprietaries, Thomas Penn and Richard Penn, they were incorporated by the name, style and title aforesaid. That the first Monday in the year of our Lord one thousand seven hundred and seventy eight was the day on which an election should have been held of the officers of the said corporation, at which time the enemy were in possession of this city, and most of the petitioners dispersed in the country, so that no election could be had. That by reason thereof, and for other causes therein set forth, doubts and uneasiness have arisen respecting their charter rights; for removing whereof, they have prayed for a law to incorporate and secure to them their rights and privileges.

Preamble.

SECT.

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of the Commonwealth.Former corporati-  
on confirm-  
ed,except, &c.Funda-  
mental ar-  
ticles con-  
firmed.Clause of  
non-repug-  
nancy to  
the laws of  
Great Bri-  
tain, &c.  
annulled.Present  
members of  
the corpo-  
ration.

**SECT. 2.** *And whereas it is manifested to be the desire of the said congregation, that sundry amendments and alterations should be made in their former constitution, which, being just and reasonable, are herein after set forth and contained.*

**SECT. 3.** *Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said corporation be confirmed and established, as a body corporate and politic in law and in fact, to have continuance for ever, by the name, style and title of "The Ministers, Vestrymen and Church Wardens of the German Lutheran Congregation in and near the City of Philadelphia, in the State of Pennsylvania;" and the said corporation is hereby vested, confirmed and established in all and singular the estates, rights, privileges and immunities which to them in and by the said charter were given and granted, or in consequence thereof to them of right belong and appertain, or ought so to do; subject only to the alterations and amendments herein specified and contained.*

**SECT. 4.** *And be it further enacted by the authority aforesaid, That such and so many of the fundamental articles of the said congregation, mentioned and referred to in the said charter, as are not altered or repealed in and by this act, and are not repugnant to the laws of this commonwealth, shall be, remain and continue for ever valid and effectual, unless the same be altered by the consent of two third parts in number of the members of the said congregation, qualified to vote at elections according to the purport and meaning of the said charter and this act.*

**SECT. 5.** *And be it further enacted by the authority aforesaid, That the proviso or clause in the said charter, which requires that the bye laws, rules and ordinances of the said corporation be not repugnant to the laws of Great Britain, or the laws then in force in the province of Pennsylvania, be, and it is hereby annulled, repealed and made void.*

**SECT. 6.** *And be it further enacted by the authority aforesaid, That the reverend Henry Melchior Muhlenberg, the reverend John Christopher Kuntze, and the reverend Justus Henry Christian Helmuth, the present ministers, Henry Keppele, Adam Weber, Adam Krebs, David Schaffer, Andrew Boshardt, Daniel Grub, Philip Alberti, Andrew Burkhardt, Michael Shubart, Frederick Hagner, George Godfrey Woelper, and Balthasar Fleischer, the present vestrymen; George Seitz, Frederick Hailer, George Heidel,*

Heidel, Jacob Eckfeld, Michael Fuchs, Michael Inimel,  
George Forbach, Daniel Draifs, and George Daum, the  
present church wardens, and their successors, duly elected  
and appointed in such manner and form as herein after is  
directed and required, be, and they are hereby confirmed,  
constituted and appointed to be, and forever remain the  
members of the said corporation; that the name and office  
of rector be discontinued and abolished, and that every of  
the ministers of the said congregation for the time being,  
have a seat and vote in the vestry.

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wealth.

Office of  
rector abo-  
lished.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the said corporation shall at all times hereafter consist of the ministers of the said congregation, duly chosen from time to time, (the number of whom may be either increased or diminished, according to the circumstances or desire of the said congregation) and of twelve vestrymen and nine church wardens; and that the first named six persons of the present vestrymen, that is to say, Henry Keppele, Adam Weber, Adam Krebs, David Schaffer, Andrew Boshardt and Daniel Grub, shall be, remain and continue during their respective lives, or so long as they shall continue to behave themselves conformably to the said fundamental articles of the congregation, and that one third part in number of the remaining six vestrymen, being the two first named of the said remaining six vestrymen, and one third part in number of the church wardens, being the three first named of the said church wardens, shall cease and discontinue, and their appointment determine on the sixth day of January, which will be in the year of our Lord one thousand seven hundred and eighty one; at which time a new election shall be had and held of an equal number in their stead and place, by a majority of the members qualified to vote and elect, according to the purport, true intent and meaning of the said charter and of this act; and on the sixth day of January, which will be in the year of our Lord one thousand seven hundred and eighty two, the second third part in number of the said remaining six vestrymen, and of the church wardens, shall in like manner cease and discontinue, and their appointment determine, and a new election be had and held in like manner of an equal number in their place and stead; and on the sixth day of January, which will be in the year of our Lord one thousand seven hundred and eighty three, the last third part in number of the said remaining six vestrymen, and of the church wardens aforesaid, shall cease and discontinue, and their appointment determine, and a new election be had and held of an equal number in

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their place and stead in like manner ; and that in the same manner, and by the like mode of rotation, one third part in number of the vestrymen, other than the six first named aforesaid, and of the church wardens shall cease and discontinue, and their appointments determine, and a new election of the said third part be had and held, in manner aforesaid, on the sixth day of January in every year for ever; (unless when the sixth day of January in any year shall happen to be on a Sunday, in which case the election shall be held on the day next following,) so that no person or persons, other than the six first named vestrymen appointed for life as aforesaid, shall continue to be a vestryman or church warden for any longer time than three years without being re-elected ; but that the members of the said congregation qualified to vote as aforesaid shall and may be at liberty to re-elect any one or more of the vestrymen and church wardens, whose times shall expire on the day of the said annual election, whenever and so often as they shall think fit.

Mode of  
Supplying  
vacancies.

SECT. 8. *And be it further enacted by the authority aforesaid,* That whenever any vacancy shall happen by the death, refusal to serve, or removal from office of any one or more of the vestrymen or church wardens, the said corporation shall have power at their discretion to appoint the time and place for electing others in their stead, whereof they shall give public notice to the congregation on the preceding Sunday, and that at the time and place so appointed some fit person or persons shall be elected in the place and stead of him or them so dying, refusing, or being removed as aforesaid ; and that the person or persons so elected shall be, remain and continue in office so long as the person or persons in whose place or stead he or they shall have been so elected, would or might have continued ; excepting the person or persons who may happen to be elected as immediate successors of the said six first named vestrymen, who shall continue in office for three years from the next preceding annual election ; yet so that if any year there shall happen to be more than four vestrymen chosen, by reason of the death or removal from office of any one or more of the said first named six vestrymen, that then and in that case, the person or persons over and above the number of four, who shall be so elected to succeed any one or more of the vestrymen aforesaid, shall be, remain and continue in office so long and no longer as may be necessary, in order that not more than four (being the third part of the whole number of vestrymen) may go out of office at any one annual election, and that after the deaths of

the

the present six first named vestrymen, one third part in number of the vestrymen, and of the church wardens, may go out in rotation in every year.

**SECT. 9.** *And be it further enacted by the authority aforesaid,* That no person or persons shall be entitled to vote at elections, who is not of the age of eighteen years and otherwise qualified, agreeably to the fundamental articles aforesaid, and that all elections shall be held by ballot, and that fairly and freely, without confining or restraining the electors in their choice, so that no person or persons shall be entitled to a right of nominating or appointing any person or persons to be chosen; but that every one of the electors shall be entitled equally with another to nominate or elect whomsoever he will, any rule, bye law, ordinance or article of the said congregation in any wise notwithstanding.

**SECT. 10.** *Provided always, and be it enacted by the authority aforesaid,* That no person or persons shall or may be eligible as a member of the said corporation, or to be an officer of the said congregation, who is not a member of the same, qualified to vote as aforesaid, excepting the ministers, who may from time to time be chosen to officiate in the said congregation.

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That the members of the said corporation, at their first meeting after each annual election, shall and may elect by ballot from among their own number a president and a secretary, and that the senior minister, or any one of the vestrymen or church wardens shall be eligible to the office of president, and in case the senior minister shall at any time happen to be chosen to the said office, that in his absence the next eldest minister present shall for the time be president in his stead; and that the said corporation shall and may at the said first meeting after each annual election choose also a treasurer, who shall be elected from among such members of the said congregation as are not members of the said corporation; that the president shall be empowered and required to call a meeting of the said corporation, when and so often as he shall find it to be necessary, or shall be requested so to do by any three members thereof; and that the said corporation and their successors, or a majority of two third parts in number of them, met and convened upon due notice given (which two thirds shall be a quorum) from time to time, be authorised and empowered to make bye laws, rules and ordinances, and to do every thing needful for the support and government of the said congregation: *Provided always,* That the said bye laws, rules and ordinances be not repugnant to the

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wealth.

No minor  
under 18 to  
vote.

Elections to  
be by ballot.

None eli-  
gible save  
members.

A president,  
secretary  
and trea-  
surer to be  
chosen.

Two thirds  
to be a quo-  
rum.

## HIS EXCELLENCE

1780. the laws of this commonwealth, and that the same be duly entered and registered in the books of record of the said congregation.

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of the Common-  
wealth.  
The corpo- SECT. 12. *And be it further enacted by the authority  
aforesaid,* That the said corporation shall and may be em-  
powered at any time hereafter to build one more church  
or place of public worship, in addition to the two already  
built; and that the clear yearly value of the messuages,  
houses, lands, tenements, rents, annuities, and other hered-  
itaments and real estate of the said corporation, shall and  
may be of any amount not exceeding the value of one  
thousand bushels of good merchantable wheat for each and  
every of the said churches or places of public worship;  
the said yearly value or amount to be taken and computed  
exclusive of the monies arising from the letting of the  
pews of the said churches, or for opening the ground for  
burials in the church yards belonging to them; and also  
exclusive of the voluntary contributions of the members,  
for the support of the ministers, duly officiating to the said  
congregation; which yearly income of the said real estate  
ascertained and limited as aforesaid, shall be disposed of by  
the said corporation for the purposes mentioned in and by  
the said charter of incorporation.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
3d day of March, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

## CHAPTER CL.

*An ACT for re-establishing the charter of the second Pres-  
byterian church in the city of Philadelphia, and for other  
purposes therein mentioned.*

Preamble.

SECTION 1. WHEREAS the second Presbyterian congregation in the city of Philadelphia by their petition have shewn, that by their charter of incorporation bearing date the twenty fourth day of August in the year of our Lord one thousand seven hundred and seventy two, granted by the honourable Richard Penn, esquire, then being lieutenant governor of Pennsylvania, twenty four persons therein named, members of the said congregation and their successors, were nominated, ordained and appointed to be the trustees of the second Presbyterian

terian church in the city of Philadelphia, one third whereof in number to be displaced annually on the first day of January, and a like number of others by the said congregation chosen in their stead, and thirteen of the said twenty four to be a quorum able and capable to do business.

**SECT. 2.** *And whereas* the said congregation have further shewn, that by reason of many of their members having withdrawn themselves from their places of residence in the city, on the prospect of the enemy's approach, and by reason of the enemy having since been in actual possession of the city, and of their church, the said annual elections were prevented from being held, so that no more than eight trustees remain, by which means there cannot be a quorum capable of doing any business; and have further shewn that by experience they find that their having so large a quorum as thirteen renders it at all times very difficult to procure a board for doing business; and also that in and by the said charter it is provided, that the clear yearly value of the real estate of the said corporation shall not exceed the sum of three hundred pounds sterling money of Great Britain for each house of public worship, erected or to be erected by the said corporation, which sum is inadequate to the pious and humane purposes intended, and have therefore prayed, that the twenty four persons last elected to be the trustees aforesaid may by a law be reinstated and continued in the said trust, until in due course others may be elected in their stead, and that a smaller quorum may be established and enabled to do business, and also that they may be enabled to hold estates to a greater amount than in and by the said charter is provided.

**SECT. 3.** *Be it therefore enacted, and it is hereby enacted,* Trustees  
reinstated. *by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That the aforesaid charter of incorporation be continued and confirmed to the said congregation, the aforesaid preventions notwithstanding; and that Joseph Reed, Thomas Bourne, Andrew Hodge, Gunning Bedford, John Bayard, Hugh Hodge, William Faulkner, William Smith, Isaac Snowden, Daniel Goodman, Benjamin Harbeson, Nathan Cook, William Geddis, Jared Ingersoll, William Hollinshead, James Hunter, Samuel M'Clene, James Robeson, Abraham Dubois, Hugh Lenox, Jonathan B. Smith, Thomas Nevill, William M'Ilhenny, and Joseph Eastburne, last elected to be trustees as aforesaid, be and they are hereby declared to be the present trustees of the said church, by the name, stile and title of "The Trustees of the second Presbyterian Church in the City of Phila-

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wealth.

1780. "delphia," with all and singular the powers, privileges and immunities which in and by the said charter of incorporation to the trustees of the same church are given and granted; and that they be and continue to be trustees as aforesaid, until they shall be severally replaced by new elections, that is to say, that the third part in number who are first above named, shall be replaced by any election of other persons, or re-election of the same, on the first Monday of May next, the third part who are next named shall be in the same manner replaced on the first Monday of May then after next following, and the third part last named shall in the same manner be replaced on the first Monday of May next after that following, and that the elections be in like manner held thenceforth annually on the first Monday of May for ever.

The fourth Year  
of the Common-  
weal'th.  
The annual  
election to  
be on the  
first Mon-  
day of May.  
Nine to be  
a quorum.

SECT. 4. *And be it further enacted by the authority aforesaid,* That from and after the publication of this act any nine or more of the said trustees be a quorum able and capable to act and do business in like manner as any thirteen or more of them were made a quorum, with power to act and do business in and by the said charter of incorporation.

The corpo-  
ration for  
each church  
to hold  
yearly real  
estate of  
1000 bush-  
els wheat.  
SECT. 5. And be it further enacted by the authority aforesaid, That the said corporation be enabled and impowered to have and to hold messuages, houses, lands and tenements, rents, annuities, and other hereditaments and real estates, not exceeding the clear yearly value of one thousand bushels of good merchantable wheat for each house of public worship, erected and hereafter to be erected, with a society regularly constituted, agreeable to the tenor, true intent and meaning of the said charter, and with the exclusions and reservations therein expressed.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
3d day of March, A. D. 1780.  
THOMAS PAINE, clerk of the general assembly.*

*An ACT for incorporating the society formed for the relief of poor, aged and infirm masters of ships, their widows and children.*

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wealth.*

SECTION 1. WHEREAS by an act of general assembly, passed the twenty fourth day of February, in the year of our Lord one thousand seven hundred and seventy, intitled, "An Act for incorporating the society formed for the relief of poor, aged and infirm masters of ships, their widows and children," it was enacted, that each and every person, who had subscribed certain articles of agreement, bearing date the seventh day of October, in the year of our Lord one thousand seven hundred and sixty five, made and executed for the purpose of raising a fund to be appropriated towards the relief and support of poor, aged and infirm masters of ships, their widows and children, and all others who should afterwards become contributors to the said society, upon the terms in the said act specified, should be a body politic and corporate in law to all intents and purposes, as by the said act more fully doth appear.

SECT. 2. And whereas it has hitherto been experienced, that much benefit hath accrued from the benevolence of the said society to the relief of individuals, and to the public, from thus encouraging an increase of skilful mariners.

SECT. 3. And whereas the late revolution requires, that considerable alterations should be made in the said act, to enable the said society to prosecute their benevolent and useful designs.

SECT. 4. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all and every person and persons, who have heretofore subscribed certain articles of agreement, bearing date the seventh day of October, in the year of our Lord one thousand seven hundred and sixty five, made and executed for the purposes aforesaid; and each and every one who shall hereafter pay and contribute any sum of money not less than three pounds, and the further sum of twelve shillings annually to the treasurer herein after mentioned, to and for the uses and purposes in this act specified, shall be, and they are hereby declared to be, members of the said society, and are hereby made a body politic and corporate in law to all intents and purposes, and shall have perpetual succession, and may sue and be sued, plead and be

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wealth.*

be impleaded, by the name of "The Society for the Relief  
" of poor and distressed Masters of Ships, their Widows and  
" Children," in all courts of judicature within this com-  
monwealth, and by that name shall and may purchase any  
lands, tenements and estates; and also receive and take any  
lands, tenements, or hereditaments, not exceeding the  
yearly value of three thousand bushels of wheat, of the  
gift, alienation or devise, and any goods and chattels of  
the bequest of any person or persons whatsoever, and shall  
and may lend on interest any sum or sums of money be-  
longing to the said contributors, to such person or persons,  
bodies politic or corporate, as may be willing to borrow  
the same, in the manner and on such real or other securities  
as they shall think proper and sufficient, and the said  
corporation are hereby impowered to have and use one  
common seal in all their affairs.

SECT. 5. *And be it further enacted by the authority  
aforesaid,* That all and every deed, conveyance, mortgage,  
bond, bill, or other securities for monies lent, which have  
been heretofore taken in the name of the treasurer hereto-  
fore appointed by the said contributors, shall and may be  
sued for, and recovered in the name of "The Society for  
" the Relief of poor and distressed Masters of Ships, their  
" Widows and Children," in as full, ample and effectual  
a manner, as if the said deeds, conveyances, mortgages,  
bonds, bills and other securities had been, and were taken  
in that name, any thing in the said securities to the contrary  
notwithstanding.

Preamble.

SECT. 6. *And whereas* the said contributors did on the  
first Monday in January in the present year of our Lord  
one thousand seven hundred and eighty, in pursuance of  
the said act, elect Samuel Mifflin, William Hysham, James  
Craig, George Ord, Nathaniel Falconer, Joseph Blewer,  
John Woods, William Brown, Henry Dougherty, William  
Alibone, John Hazelwood and Leeson Simmons to be  
managers for the ensuing year.

Present ma-  
nagers con-  
firmed.

SECT. 7. *Be it therefore enacted by the authority aforesaid,*  
That the said Samuel Mifflin, William Hysham, James  
Craig, George Ord, Nathaniel Falconer, Joseph Blewer,  
John Woods, William Brown, Henry Dougherty, William  
Alibone, John Hazelwood and Leeson Simmons shall be  
and continue managers of the said society until the first  
Monday in January next after the publication of this act,  
and until others shall be chosen in their room, which said  
managers and all other managers hereafter to be chosen by  
virtue of this act, or a majority of them, being persons ca-  
pable of electing and being elected members of assembly  
within

within this state, are hereby authorised and impowered to provide a seal for the said society, and to change or alter the same if they shall see occasion, and also to take in, place out, secure and improve the stock, and to dispose of the interest, profits and produce thereof, together with the yearly payments of twelve shillings, which shall be made after the said first Monday in January in the present year one thousand seven hundred and eighty, for and towards the relief and support of the poor, aged and infirm masters of ships, their widows and children, and for and towards no other use, intent and purpose whatsoever; and that all the monies which were placed out on interest, and did belong to the said society, on the said first Monday in January, one thousand seven hundred and eighty, together with all future subscriptions, donations, gifts, bequests and devises, shall be adjudged and deemed capital stock, unless the same shall be otherwise declared by such donations, gifts, bequests or devises, and shall be from time to time laid out in the purchase of real or landed property, or placed out on good security as aforesaid, and not otherwise disposed of by the said managers.

SECT. 8. *Provided always, and be it further enacted by the authority aforesaid,* That the said several sums of three pounds contribution, and annual payments of twelve shillings shall be estimated and deemed to be at and after the rate of ten shillings for a bushel of good merchantable wheat, weighing sixty pounds, and that the sums in current money necessary to be contributed and paid, in order to procure admission as a member into the said society, and the annual payments aforesaid, shall be regulated and adjusted from time to time by bye laws of the said corporation made for that purpose.

SECT. 9. *And be it further enacted by the authority aforesaid,* That there shall be a general meeting of the contributors on the first Mondays in January, April, July and October in every year, and the managers, or a majority of them, are hereby also authorised and impowered to call special meetings when, and as often as they shall judge necessary so to do, of which they shall give notice in one or more of the public newspapers published in the city of Philadelphia, at least one week before such special Meeting, at all which general and special meetings, the contributors shall and may, and they are hereby authorised and impowered to consider, treat and determine of, and concerning all and every the matters and things relating to the prudent management and good order of the said society; and to make and ordain all such rules, orders and

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of the Common-  
wealth.

Duty and  
authority  
of the ma-  
nagers.

Monies at  
interest to  
be consider-  
ed as capi-  
tal stock.

Contribution  
and  
yearly pay-  
ments mo-  
ney at 10s.  
for a bushel  
of wheat.

General  
and special  
meetings of  
the contribu-  
tors.

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of the Commonwealth.

Proviso.

To elect  
yearly 12  
managers,and a trea-  
furer;who shall  
give secu-  
rity;

bye laws as shall be useful and necessary for that purpose, and generally for the well ordering all other matters and things concerning the estate, goods, chattels, lands, tenements and revenues thereof; all which bye laws, rules and orders shall be inviolably observed by all concerned.

SECT. 10. *Provided always,* That the said bye laws, rules and orders be not repugnant to the laws of this commonwealth, and shall be agreed to by a majority of the contributors present at such meeting.

SECT. 11. *And be it enacted by the authority aforesaid,* That at the said general meeting on the first Monday in January yearly and every year, the said contributors, who shall be present, shall choose by tickets in writing twelve persons out of their own body to be managers, and one other person to be the treasurer for the ensuing year; and that the managers of the preceding year shall appoint two of their own body, with three other contributors, who are not managers, to be judges of the election, who shall under their hands, or the hands of a major part of them, report the names of the persons duly elected managers and treasurer, respectively for the ensuing year, to the general meeting; and when the said election shall be finished, and the report so made, the contributors present may proceed to business, and not before.

SECT. 12. *And be it further enacted by the authority aforesaid,* That Joseph Stiles, of the city of Philadelphia, shall be treasurer to the said society for the present year, and shall continue in his said office until the first Monday in January next ensuing the publication of this act, and until another shall be chosen in his stead; which treasurer, and all other treasurers to be elected by virtue of this act, shall have the custody of the cash, securities and deeds belonging to the said society, and shall from time to time pay and deliver the same, and every of them, to such person or persons as the managers or a majority of them shall by their orders direct and appoint, which said orders shall be good vouchers to indemnify him; and the said treasurer shall, and he is hereby required to give sufficient releases and acquittances of and for all sums of money which he shall receive on any mortgage, bond, bill or other security, and within one month after request to acknowledge the same on record, if such payment shall be on mortgage, under the penalty of forfeiting any sum of money not exceeding the mortgage money, to be recovered in any court of record within this commonwealth, by bill, plaint or information; and shall also keep regular and fair books of accounts of all cash, securities, deeds, writings and other things and effects

fects by him received, paid or delivered as aforesaid; and that such treasurer, before he enters upon the duties of his office, shall give such security to the said corporation in the name aforesaid, for the due and faithful discharge of this trust, and for accounting for and delivering up to his successor in the said office all such monies, securities, deeds, writings and effects as shall have come to his hands or custody, and which shall not have been paid or delivered upon discharge of any mortgage as aforesaid, or by order of the managers as aforesaid, as the said managers, or a majority of them, shall direct and require; which security the said managers are hereby enjoined and required to see duly given and executed, and recorded in the office for recording of deeds for the county of Philadelphia, before any such treasurer so elected shall enter upon his said office, and before he shall receive any of the said cash, securities, deeds, writings and other effects aforesaid.

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wealth.*which is to  
be record-  
ed.

**SECT. 13.** *And be it further enacted by the authority aforesaid,* That the said managers shall meet when and where, and as often as they shall think proper, and being a majority at least, shall and may enter upon, order, direct and dispatch all such matters and things as shall properly come before them; and such their proceedings shall be good and valid in all the affairs of the society aforesaid, done and performed in pursuance of this act, or that shall be committed to their management by the contributors aforesaid, from time to time, at their general or special meetings.

Managers  
to meet  
when and  
where they  
see proper;

**SECT. 14.** *And be it further enacted by the authority aforesaid,* That the said managers shall keep fair and exact minutes of all their transactions and proceedings, and a true and fair list of all donations, subscriptions and payments which shall from time to time be made to and for the uses and purposes in this act mentioned; and shall yearly and every year publish the same, together with an account of monies expended, in some of the newspapers printed in the city of Philadelphia; and shall at all times, when required, submit the books, minutes, accounts, affairs and economy of the said society to the inspection and free examination of such committee of assembly as may from time to time be appointed for inspecting and examining the same.

to keep fair  
minutes,  
and publish  
their ac-  
counts, and  
lay them  
before a  
committee  
of the as-  
sembly.

**SECT. 15.** *And be it further enacted by the authority aforesaid,* That from and after the publication of this act the aforesaid act passed the twenty fourth day of February,

Repeal of  
former acts.

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bruary, in the year of our Lord one thousand seven hundred and seventy, shall be, and it is hereby repealed and made void.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, the 4th day of*

*March, A. D. 1780*

*THOMAS PAINE, clerk of the general assembly.*

## CHAPTER CLII.

*An ACT for regulating and establishing admiralty jurisdiction.*

Preamble.

SECTION I. WHEREAS it is necessary that due provision be made for the trial and determination of offences, crimes, controversies and suits within the cognizance of the maritime law, and not enquirable at common law.

Judge of admiralty to be appointed for seven years; his jurisdiction.

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That a person of known integrity and ability shall be appointed and commissioned by the supreme executive council of this commonwealth, for and during the term of seven years, in case he shall so long behave well, by the name and style of Judge of the Admiralty; which judge shall hold a court of admiralty, and therein have cognizance of all controversies, suits and pleas of maritime jurisdiction, not cognizable at the common law; offences and crimes, other than contempts against the said court, only excepted, and thereupon shall pass sentence and decree according as the maritime law, and the law of nations, and the laws of this commonwealth shall require.

Provided, that prize causes, &c. be judged by the law of nations and acts of congress; with appeal to congress, upon security given.

SECT. 3. Provided always, and be it further enacted by the authority aforesaid, That in all cases of prize, capture or re-capture upon the water from enemies, or by way of reprisal, or from pirates, the same shall be tried, adjudged and determined, as well to the question whether prize or not, as to the claims of the parties interested or pretending to be interested in the same, by the law of nations and the acts and ordinances of the honourable the congress of the united states of America, before the said judge, by witnesses according to the course of the civil law. And in all such cases of prize, capture, re-capture and seizure upon the water

water aforesaid, an appeal from the final decree of the said judge of admiralty shall lie and be allowed to such judges or court, as the said congress have appointed or may appoint for the hearing and determining of such appeals; such appeals to be brought and conducted in the manner and within the time directed and limited in and by the acts and ordinances aforesaid; security being first given in such sum of money as the said judge of admiralty shall deem sufficient, to prosecute such appeal to effect.

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SECT. 4. *And be it further enacted by the authority aforesaid,* That the captain or commander of any ship or vessel of war, or prize master, or other person having charge of any capture or re-capture, or other property seized upon the water as aforesaid, who shall conduct or bring the same into port, shall immediately deliver the same without diminution to the marshal of the said court of admiralty; and within three days after the arrival of such prize as aforesaid shall exhibit, or cause to be exhibited, a libel, or bill in writing, before the said judge, therein setting forth, in ample and particular manner, the time and other circumstances of the seizing and taking the same, and of the service or employment that the ship or vessel so seized was in at the time when such ship or vessel was taken or seized, and the parties aiding therein, to the best of his knowledge; and shall also, without delay or diminution, deliver or cause to be delivered to the register of the said court of admiralty, upon the oath or affirmation of such person, all books, documents, commissions, parchments, papers and other writings appertaining to, or found on board any such ship or vessel, in order that the said judge may have the benefit of any evidence which may arise therefrom in forming his sentence.

The prizes  
and all doc-  
uments,  
&c. found,  
to be deli-  
vered to the  
marshal, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any person shall neglect or refuse to deliver up any such capture or seizure as aforesaid to the marshal of the said court of admiralty, or shall embezzle or keep back any part of any such capture; or shall withhold, embezzle or destroy any books, documents, commissions, papers, parchments or other writings appertaining to, or found on board of any ship or vessel seized as a prize as aforesaid, such person so offending shall be liable to attachment and to fine, or to fine and imprisonment, at the discretion of the said judge, as a contemner of the said court of admiralty, and moreover shall forfeit to the use of the commonwealth, all such offender's share or part of such capture, to be recovered by indictment; and the said judge shall by order stay, during the prosecution, such share or

Documents,  
&c. to be  
delivered,  
under pe-  
nalty, &c.

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wealth.**Notice of  
the trial of  
a capture to  
be published  
in a news-  
paper.**Proviso,  
that damag-  
ed and pe-  
rishable  
goods may  
after ap-  
praisement  
be sold.**Execution  
to be had,  
if the ap-  
pellant enter  
security.*

part in the hands of the marshal, to the end that the same may be secured upon the conviction of such offender, and paid to the treasurer of this state.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That immediately after any such libel as aforesaid shall be exhibited before the said judge, he shall direct the register of the said court of admiralty to give notice in some public newspaper, to be published in the city of Philadelphia, of the day appointed for the trial of such prize, and the said register shall insert therein, if known, the name, size or burden, and other description of the vessel so taken and brought into port, and also the name and surname of the late master or commander of the same, and of the port or place from whence such ship or vessel last sailed, and of the port or place for which such ship or vessel was destined; and in case of a re-capture, he shall set forth by what ship or other vessel the same was first taken; to the end that all persons concerned may appear and shew cause, (if any there be) wherefore such capture or re-capture, goods, merchandise or other property should not be condemned and adjudged to the libellants.

**SECT. 7.** *Provided always,* That if it be made appear to the satisfaction of the said judge, that the cargo of any such ship or vessel seized as prize as aforesaid is damaged, or consists of goods which in their nature are so perishable as not to be kept till the trial be finished without great loss, that then and in such case the said judge shall nominate and appoint three judicious and indifferent persons of the city or county where the said goods may be, who shall carefully inspect and appraise the same, and report the condition thereof, and deliver the said appraisement and report, supported and attested by their oaths or affirmations, to the said judge; whereupon the said judge may order the marshal of the said court immediately to sell, by public auction, such part of said cargo as appears to the said judge to be likely to perish, or be greatly endamaged by keeping as aforesaid. And the said marshal, having sold the same accordingly, shall retain the monies thence arising in his hands till the trial be finished; except the charges upon such prize, together with the charges attending upon such inspection and appraisement, which shall be ascertained by the said judge.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That the execution of the decree of the said judge, in any case of capture, re-capture or prize taken upon the water, from which an appeal to the said judges or court of appeal shall be entered, shall not be suspended

or

or delayed by reason of such appeal, in case the party or parties appellee shall enter sufficient security, to be approved by the said judge, in at least double the value of the prize or other subject of controversy, the same value to be estimated and appraised at the price at which the said prize might then be sold for current money, for which purpose the said judge shall appoint three skilful and indifferent appraisers, who shall exactly number, measure or weigh the several articles of which such prize shall consist, and return a particular inventory and appraisement of the same, attested by the oaths or affirmations of the said appraisers, to the register of the said court, to be filed in his office; and the stipulation or security so given and entered in case of an appeal as aforesaid, shall be considered and shall have effect as a statute staple, and may be sued for and recovered by original writ to be issued out of the supreme court, or other court of record, at the election of the party who shall have a right to institute such suit.

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wealth.

Security to  
have effect  
as a statute  
staple:

SECT. 9. *And be it further enacted by the authority aforesaid,* That in case the said judge, upon the evidence produced to him, shall pronounce sentence of condemnation against any such ship or vessel, or goods, merchandise, or other property, captured or taken as prize, or re-captured, or seized by way of reprisal, or from a pirate, he shall order the same to be immediately sold by public auction to the best and highest bidder, for the benefit of the captors, unless in the case of re-capture the former owner or owners in ten days after such sentence be pronounced pay down the full salvage together with all such costs and charges as shall be awarded thereupon. And the said marshal shall keep fair and exact accounts of the sales of all ships and other vessels, goods, merchandise and other property which shall be condemned in the said court of admiralty, and sold by the said marshal as aforesaid; and as soon afterwards as may be such account of sales shall be filed in the office of the register of the said court of admiralty, for the inspection and use of all persons who may be interested therein.

After con-  
demnation,  
prizes to be  
sold.

Marshal to  
file account  
of sales with  
the register.

SECT. 10. *Provided always,* That no Negro or Mulatto, taken as prize upon the water, shall be in any case exposed to public sale, but being appraised as is herein before directed in other cases, shall be delivered to the captors, or others having right to the same, at the appraised value, and if necessary by lot, and the value thereof equalised in money or goods, to be delivered to the other party or parties entitled to share therein.

No Negro,  
&c. to be  
sold by pub-  
lic sale.

SECT. 11. *Provided also,* That nothing in this act contained which may contradict or interfere with the directions of

This section  
repealed by  
chap. 180.

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of an act of assembly of this commonwealth, intitled, "An Act for the effectual suppression of public auctions and vendues, and to prohibit male persons capable of bearing arms, from being pedlars and hawkers," passed on the twenty fifth day of November last, shall have effect or be in force for and during the continuance of the said recited act.

**Preamble.** SECT. 12. *And whereas sometimes seamen and others proceed to sea in ships and vessels of war, without appointing agents to take and manage their several shares of the captures or prizes seized and taken upon the water, by the ships or vessels to which they respectively belong. And whereas such seamen and others may be absent, and owners or part owners of such ships and vessels of war may also be absent, and have no agent or agents to take their shares or parts of such prizes, when the marshal of the said court of admiralty may be ready to distribute such prizes as he is directed by this act.*

**Judge to appoint agents for absent persons.**

SECT. 13. *Be it therefore enacted by the authority aforesaid,* That whosoever the said marshal shall be ready to distribute any prize as aforesaid, upon an advertisement of the same in some public newspaper in the city of Philadelphia, if an agent or agents duly authorised by the owners, seamen or others of any private ship or vessel of war, and every of them, having a right to share therein, by being on board such ship or vessel at the time of capture or otherwise, shall not appear and make known his or their authority to act as an agent or agents for such absent persons, that in such case the said judge shall appoint and authorise some proper person or persons to be the agent or agents for any absent owner, seaman or other person for whom no agent shall appear for three days after such advertisement shall be published. And the agent or agents so to be appointed by the said judge, with any other persons properly entitled and authorised, whether in their own right or as agents (if such there be) shall take the said prize from the said marshal as directed by this act, and shall sell by private sale, or otherwise dispose of the same for the best advantage of the person or persons interested therein, and shall be accountable to them and every of them severally, as if such agent or agents had been appointed by such owner, seaman or other person; and every agent, who shall be so appointed by the said judge, shall become bound to the commonwealth, with two sufficient sureties, in a suitable sum, to be ascertained by the said judge, conditioned that he will truly account for and satisfy the person or persons for whom he shall be appointed agent; and the said obligation

**Such agents to give security.**

shall

shall be as available to such owner, seaman or other person, as bonds given by sheriffs are to the parties injured by their misconduct.

SECT. 14. *And be it further enacted by the authority aforesaid,* That all unclaimed parts or shares in any prizes taken upon the water and condemned in the court of admiralty of this state, remaining in the hands of any agent or agents, shall, after the end of one year, to be reckoned from the beginning of the distribution of any prize which hath been or shall be taken from the enemy, be vested in the contributors to the Pennsylvania hospital, and shall be accounted for and paid to the use of the said corporation; the owners of such ship or vessel being previously satisfied for any advance they shall have made to any seaman or marine, subject however to the demand of the person who was entitled thereto, if made within three years after the condemnation of the prize.

SECT. 15. *And be it further enacted by the authority aforesaid,* That any ships or vessels, goods or other property taken as prize, or re-taken, belonging to foreigners, whether allies of the united states of America or neutrals, which have come, or may come to the possession of the said marshal, and who shall have no attorney in fact, or agent duly authorised to take and receive from the said marshal such ships or vessels, or other property, that the same, unless in case they be of a very perishable nature, and too bulky to keep without great charges, shall remain in the custody of the said marshal without sale, for three months at least after the trial of the same shall be finished, and the owners thereof, and their said ships or other vessels, goods and other property, shall be liable to the charges and expences which may accrue by such delay of sale.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the supreme executive council shall appoint and commission, for and during the pleasure of the said council, an able and upright person to be register of the said court of admiralty, and that the examinations of all witnesses in any of the causes which may come before the said court of admiralty, being taken by the said register, and attested before the said judge, shall be filed in the office of the said register, such examinations to be taken *ex parte*, after reasonable notice to the adverse party; and the attestations of the said register shall on all proper occasions be received as evidence in all courts of justice and elsewhere.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the supreme executive council shall ap-

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wealth.

Un-claimed  
shares of  
prizes vest-  
ed in the  
Pennsylva-  
nia hospi-  
tal.

Ships, &c.  
belonging  
to foreign-  
ers, not to  
be sold for  
3 months.

Register to  
be commis-  
sioned,

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wealth.who shall  
find securi-  
ty.

point and commission, for and during their pleasure, a person of skill and good reputation to be the marshal of the said court of admiralty; who, before he enters on his office, shall become bound to the president of the said council for the time being, with two or more sureties, to be approved by the said council, in the value of forty thousand bushels of good merchantable wheat, each bushel thereof to weigh at least sixty pounds; which bond or obligation shall be drawn in like manner, with like condition, and liable to like suit and use, and shall be recorded as bonds entered into by sheriffs and their sureties ought to be by the laws of this commonwealth.

Preamble.

SECT. 18. *And whereas* the trial of pirates and other sea felons in the late British colonies, now the united states of America, hath been heretofore without a jury, and in a method much conformed to the civil law, the exercise of which jurisdiction in criminal cases was contrary to the spirit of the common law, although the legislature of England had, by a statute passed in the reign of king Henry the eighth, intitled, "*For pirates,*" relieved the subjects within the realm from this grievance.

SECT. 19. *And whereas* the constitution of this state provideth, that in all prosecutions for criminal offences no man can be found guilty without the unanimous consent of a jury.

How sea fe-  
lions, &c.  
shall be  
tried.

SECT. 20. *Be it therefore enacted by the authority aforesaid,* That all traitors, pirates, felons and criminals, who shall offend upon the sea or within the admiralty jurisdiction, shall be enquired of, tried and judged by grand and petit juries, according to the course of the common law, in like manner as if the treason, felony or crime were committed within one of the counties of this state. And the justices of the supreme court, and the judge of admiralty, or any two of them, are hereby constituted justices of oyer and terminer, and shall hold a court of oyer and terminer in the city of Philadelphia, for the hearing and trying of such offenders. And the said judge of admiralty, in the absence of the chief justice of the supreme court, shall preside in such court of oyer and terminer; and if any person, upon being arraigned before the said court of oyer and terminer, shall stand mute, or shall not make direct answers, such person shall be deemed to have pleaded not guilty, and the trial shall proceed accordingly.

How of-  
fences part-  
ly on land  
and partly  
at sea, shall  
be tried.

SECT. 21. *And be it enacted by the authority aforesaid,* That if any person shall be feloniously stricken or poisoned at sea or out of this state, and shall die of the same in this state, the offenders and their aiders and abettors may be indicted,

indicted, tried and adjudged for such felony in the court of oyer and terminer of this state, where such person shall die, before the ordinary justices of oyer and terminer and general goal delivery; and if any person shall be feloniously stricken or poisoned in this state, and shall die of the same at sea or out of Pennsylvania, the offenders and their aiders and abettors may be indicted, tried and adjudged for such felony before the court of oyer and terminer constituted by this act for the trial of crimes committed at sea.

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weal'th.

SECT. 22. *And be it further enacted by the authority aforesaid,* That all and every the proceedings of the court of admiralty of this commonwealth shall be liable to the prohibition of the supreme court of judicature, in like manner and with like effect as the prohibition of the court of king's bench in England in like case.

SECT. 23. *And be it further enacted by the authority aforesaid,* That an act of assembly, intitled, "An Act for establishing a court of admiralty," passed on the ninth day of September which was in the year of our Lord one thousand seven hundred and seventy eight, is hereby repealed, annulled and made void. *Provided always,* That the repeal of the said act shall not extend to stop or prevent the hearing or trial of any cause depending in the court of admiralty, or before the said commissioners of oyer and terminer, but the same may be proceeded on as by the said act is directed before the judge appointed and commissioned in pursuance of this act, the repeal thereof notwithstanding.

Repeal of former acts.

Proviso.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, the 8th day of

March, A. D. 1780.

THOMAS PAINE, clerk of the general assembly.

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### C H A P T E R CLIII.

An ACT to restore and ascertain the value of divers fines, penalties and forfeitures herein after mentioned, which may be incurred by the breach of certain acts of assembly of this commonwealth.

SECTION I. WHEREAS divers fines, penalties and forfeitures, which are limited not to exceed certain sums, and the specific fines, penalti-

Preamble.

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wealth.**Fines, &c.  
restored by  
this act.*

ties and forfeitures which were heretofore, as well before the revolution as since, provided, directed and established, in and by certain acts of assembly still in force; in order to secure the observance of the same, have by reason of the great variation and rise in the prices of commodities, become generally uncertain, and very inadequate to the purposes for which they were intended and ordained; whereby many good and wholesome laws have been enervated, and have lost their proper vigor and effect, to the great injury of the sober and quiet citizens, and to the dis-honour of the commonwealth. For remedy whereof,

SECT. 2. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That the several and respective fines, penalties and forfeitures aforesaid, in all cases where the same are expressed and set in money, which shall be incurred by, imposed on, or recovered against any person or persons, in any court of record, or in a summary way, before any justice of the peace or otherwise, as well at the suit of the party grieved, and in an action *qui tam*, as at the suit of the commonwealth, shall be estimated, computed, levied and satisfied, after the manner by which the fees of certain officers of this state are or ought to be estimated, computed, levied and satisfied, in pursuance of an act of assembly of this commonwealth, intituled, “*An Act for the better support of certain officers of this state, and for ascertaining the specific fines and penalties which they may incur by neglect of duty,*” passed on the twenty seventh day of November last; subject however to the rules and directions following, that is to say, every such fine, penalty or forfeiture which shall be incurred, imposed or recovered as aforesaid, by virtue of any act of assembly which was made in the late province of Pennsylvania, and has been revived since the revolution, and re-enacted by the legislature of this commonwealth, shall be estimated as aforesaid, as set in money of the value of good merchantable wheat, at the price of ten shillings per bushel. The fines and penalties aforesaid directed and ordained, in and by an act of assembly of this commonwealth, passed on the twentieth day of February, Anno Domini one thousand seven hundred and seventy seven, intituled, “*An Act to discourage desertion, and to punish all such as shall harbour or conceal deserters,*” shall be estimated as aforesaid, as set in money of the value of good merchantable wheat, at the price of ten shillings per bushel. The fines and penalties aforesaid, directed and ordained in and by an act of assembly of this commonwealth, passed

passed on the fourteenth day of June, Anno Domini one thousand seven hundred and seventy seven, intitled, “*A supplement to the act, intitled, An Act for amending the several acts of assembly for electing members of assembly,*” shall be estimated as aforesaid, as set in money of the price of good merchantable wheat at twelve shillings per bushel. The penalty of fifty pounds directed to be imposed on any person not belonging to the regiments of this state, for enlisting soldiers within the same, by an act passed on the second day of January, Anno Domini one thousand seven hundred and seventy eight, intitled, “*An Act to prevent the imprisonment of soldiers for small sums; and also to prevent the enlistment of soldiers within the bounds of the commonwealth of Pennsylvania, by the officers of other states, until the quota of this state shall be completed,*” shall be estimated as aforesaid, as set in money of the price of good merchantable wheat, at fifteen shillings per bushel. The penalty of twenty pounds directed to be imposed on judges of election neglecting to give notice of their election, to persons chosen to serve in the supreme executive council or general assembly, by an act passed on the twenty third day of March, Anno Domini one thousand seven hundred and seventy eight, intitled, “*A further supplement to an act, intitled, An Act for amending the several acts for electing members of assembly,*” shall be estimated as aforesaid, as set in money of the price of good merchantable wheat, at twenty shillings per bushel. The forfeiture of one hundred pounds, to be imposed on the master of a ship or vessel, for not exhibiting a manifest of the cargo of such ship or vessel, by an act passed on the tenth day of September, Anno Domini one thousand seven hundred and seventy eight, intitled, “*An Act for regulating navigation and trade in this state,*” shall be estimated as aforesaid, as set in money of the price of good merchantable wheat, at thirty shillings per bushel. The specific forfeitures of money to be incurred for the offences forbidden in and by an act passed on the thirtieth day of March, Anno Domini one thousand seven hundred and seventy nine, intitled, “*An Act for the suppression of vice and immorality,*” shall be estimated as aforesaid, as set in money of the price of good merchantable wheat, at thirty shillings per bushel. And the forfeitures upon chimney sweepers and house keepers offending against the act of assembly passed on the twenty fifth day of November last, intitled, “*An Act for regulating chimney sweepers within the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties of the city of Philadelphia,*”

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 of the Common-  
 wealth.

Repeal of  
 former acts.

Preamble  
 as to trus-  
 tees of loan  
 office.

Mortgages  
 may be dis-  
 charged by  
 one trustee.

"*delpbia*," shall be estimated as aforesaid, as set in money of the price of good merchantable wheat, at one hundred shillings per bushel.

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of an act of assembly, passed on the thirtieth day of September, Anno Domini one thousand seven hundred and seventy nine, intitled, "*A supplement to an act, intitled, An Act for regulating, pitch-ing, paving and cleansing the highways, streets, lanes and alleys; and for regulating, making and amending the water courses and common sewers within the inhabited and settled parts of the city of Philadelphia, for raising of money to defray the expences thereof, and for other purposes therein mentioned;*" and so much of another act of assembly passed on the same day, intitled, "*An Act to continue an act, intitled, An Act for opening and better amending and keeping in repair the public roads and highways in this province,*" as relate to fines and forfeitures, shall be, and hereby are repealed and made void.

SECT. 4. *And whereas by the invasion of this state by the enemy, in the years one thousand seven hundred and seventy seven, and one thousand seven hundred and seventy eight, the trustees of the loan office of this state became separated and dispersed, and discharges of mortgages were made by one trustee only;*

SECT. 5. *Be it therefore enacted by the authority aforesaid,* That all and every discharge of any mortgage or mortgages which have been made by one trustee as aforesaid, or which shall hereafter be made by one trustee, to be appointed by the house of assembly, shall be taken and held to be good and valid, any thing in any law to the contrary notwithstanding.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on the 8th of  
 March, A. D. 1780.*  
 THOMAS PAINE, clerk of the general assembly.

## CHAPTER CLIV.

1780.

An ACT for the amendment of the laws relative to  
the punishment of treasons, robberies, misprisions of treasons and other offences.

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of the Common-  
wealth.

SECTION 1. WHEREAS in and by the act of Preamble  
assembly intitled, "An Act for the concerning  
"advancement of justice, and the more certain administration  
"thereof," made and passed the thirty first day of May, in  
the year of our Lord one thousand seven hundred and  
eighteen, the punishment of death is inflicted, in the case  
of robbery, upon such only as commit the same on or near  
the highway, so that no adequate provision seems to have  
been made for punishing the most atrocious robberies, if  
the same be committed elsewhere.

SECT. 2. Be it therefore enacted, and it is hereby enacted, Robbery  
by the representatives of the freemen of the commonwealth of anywhere,  
Pennsylvania, in general assembly met, and by the authority of felony as on  
the same, That from and after the passing of this act, if any the high-  
way.  
person or persons shall commit robbery, which robbery is  
done by assaulting another, putting him in fear, and taking  
from his person money or other goods, to any value what-  
soever, whether the same robbery be committed on or near  
the highway or elsewhere, in any place or places whatso-  
ever within this commonwealth, he or they so offending,  
his or their counsellors, aiders, comforters and abettors,  
being thereof duly convicted or attainted, or being indicted  
and standing mute, or challenging peremptorily above the  
number of twenty persons returned to serve of the jury,  
shall suffer as felons without benefit of clergy, in like man-  
ner as by the laws of this commonwealth is provided in  
the case of robbers on or near the highway.

SECT. 3. And whereas the forfeiture of goods and chattels, in the case of manslaughter, is rarely exacted, and the burning in the hand of such felons in more heinous and aggravated instances of this kind of homicide, which may approach nearly to murder, is too light and inadequate a punishment. To the end, therefore, that the lives of the citizens of this commonwealth may be guarded and preserved from danger,

SECT. 4. Be it enacted by the authority aforesaid, That in all cases of convictions of manslaughter, other than by stabbing, as described in the act of assembly herein before mentioned, the said forfeiture shall be removed, and hereafter no more incurred; but instead thereof the court shall give judgment against such offender, of imprisonment for any time not exceeding two years, and of fine at the discre- Forfeiture  
in man-  
slaughter  
removed,  
but impi-  
sonment  
and fine  
added.

## HIS EXCELLENCE

1780.  
 The fourth Year  
 of the Common-  
 wealth.

Council  
 may par-  
 don, on con-  
 dition of  
 departing  
 the united  
 states.

In treason  
 none to suf-  
 fer, save the  
 offender,  
 after peace  
 with Bri-  
 tain, &c.

Persons  
 charged  
 with trea-  
 son, may  
 be proce-  
 ed against  
 as for mis-  
 demeanor.

tion of the court; and moreover shall sentence such offender to find security for his good behaviour during life. And in order for the punishment by banishment of offenders whose lives might be spared, and at the same time whose wicked conduct and example may render it highly dangerous that they should remain and enjoy the benefits of this free state; and to lessen the sanguinary punishments,

SECT. 5. *Be it enacted by the authority aforesaid*, That it shall and may be lawful to and for the president or vice president and council of this commonwealth, upon the prayer of any person or persons under sentence of death for treason or felony, to grant to such person or persons a pardon, so far as respects his, her or their lives, consonant with the limitations of the constitution, on condition that such person or persons shall within a limited time depart from this state to foreign parts beyond the sea, and that he or they shall not return into this state or any of the united states of America; and that if any person or persons so pardoned on the condition aforesaid, shall break the same condition, by not departing within the said time, or by returning again into this state or any of the united states aforesaid, the same pardon shall be void, and such person or persons not departing or returning as aforesaid, shall suffer death, according to the sentence which had been before pronounced against them.

SECT. 6. *And be it further enacted by the authority aforesaid*, That no attainder of treason to be had from and after the end of the present war between the united states of America and Great Britain, and the acknowledgement of the independency of the said united states, by the king of Great Britain, shall extend to the disinheriting of any heir, nor to the prejudice of any person or persons other than the offender. And in order to the detecting and punishing in some measure persons accused of treason or misprision of treason, by one witness, and at the same time to avoid confounding very different degrees of guilt in the same punishment; and for removing doubts concerning the legality thereof,

SECT. 7. *Be it enacted and declared by the authority aforesaid*, That in all cases where any charge is made upon oath or affirmation against any person or persons, of facts amounting to treason or misprision of treason, it shall and may be lawful for the attorney general, with the leave of the court, to proceed against and charge such person or persons with a misdemeanor, and give in evidence any act or acts of treason or misprision of treason, by one witness on the trial, or other proper and legal testimony, and such

person

person or persons, upon conviction, shall suffer as in cases  
of misdemeanor.

1780.

JOHN BAYARD, SPEAKER.

The fourth Year  
of the Common-  
wealth.

*Enacted into a law at Philadelphia, the 8th day of  
March, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

## CHAPTER CLV.

*An ACT to increase the punishments for horse stealing.*

SECTION I. WHEREAS the punishments heretofore provided against the crime of horse stealing have not proved sufficient to deter evil minded persons from the commission thereof. For remedy whereof,

SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That if any person or persons, from and after the passing of this act, shall feloniously take and carry away any horse, mare or gelding of the property of any other person or persons, or of the united states of America, and shall be thereof convicted, every such person or persons so offending, for the first offence shall stand in the pillory for one hour, and shall be publicly whipped on his, her or their bare backs with thirty nine lashes well laid on, and at the same time shall have his, her or their ears cut off and nailed to the pillory; and for the second offence shall be whipped and pillored in like manner, and be branded on the forehead in a plain and visible manner with the letters H. T.

SECT. 3. And whereas persons who have heretofore committed the offence of horse stealing, have often escaped from justice, by reason of the insufficiency of bail taken for their appearance to answer for the same.

SECT. 4. Be it therefore enacted by the authority aforesaid, That from and after the publication of this act, no person or persons, who shall be charged with the stealing of any horse, mare or gelding, on the direct testimony of one witness, or who shall be taken with such horse, mare or gelding in his or her possession, shall be admitted to bail, otherwise than by one or more justices of the supreme court.

Horse steal-  
ers not to  
be bailed,  
unless by a  
judge of su-  
preme  
court.

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of the Common-  
wealth.

Repeal.

SECT. 5. And be it further enacted by the authority aforesaid, That so much of an act of assembly of the late province of Pennsylvania, intitled, "An Act for the advancement of justice and more certain administration thereof," and of the supplement thereto, as are contradictory to this act, and no more thereof, are repealed and made void.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the 10th day of March, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

## CHAPTER CLVI.

*An ACT for the relief of the suffering inhabitants of the counties of Northampton, Bedford, Northumberland and Westmoreland.*

Preamble.

SECTION I. WHEREAS by the repeated depredations and incursions of the savage enemy great numbers of the inhabitants of the said counties have been driven from their habitations, and otherwise much distressed and rendered unable to pay their respective proportions of the public taxes.

Commissioners, &c.  
of said  
counties, to  
lay the  
state taxes  
by former  
returns.

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That it shall and may be lawful for the commissioners and assessors of the said several counties, and they are hereby enjoined and required, in all cases, within their respective counties, where the inhabitants have deserted their habitations, and no proper return or valuation of property can be had in the way pointed out in the laws now in force for that purpose, to obtain such account of such property, by applying to the books or rolls containing the last return of property, or such other ways or means as to them shall seem most just and reasonable, and shall thereupon proceed to value, quota and levy the same, as nearly in just proportion to other parts of the said county, as may be.

SECT. 3. And be it further enacted by the authority aforesaid, That the said commissioners and assessors, or a majority of them, are hereby authorised and required to exonerate

exonerate and discharge such of their taxable inhabitants as shall make sufficient proofs, or for or in behalf of whom sufficient proofs shall be made to the said commissioners and assessors respectively, of their having been driven off and dispossessed of their settlements, or otherwise disabled by the enemy to pay their respective taxes, from the payment of the several sums or such part thereof as they shall deem just and reasonable, with which they may or ought to have been charged, as well of their respective quotas of the tax of four millions of dollars, imposed by an act passed the third day of April, one thousand seven hundred and seventy nine, and their quotas of the tax of five millions seven hundred thousand dollars, granted and directed to be raised by an act passed the tenth day of October, in the year of our Lord one thousand seven hundred and seventy nine, as their respective quotas of a sum of money directed to be raised by a monthly tax according to an act for that purpose, passed the twenty fifth day of November, one thousand seven hundred and seventy nine ; which remission or mitigation shall only be made in favour of those who have *bona fide* suffered by the incursions of the enemy, and in such proportions as their several losses of property justly demand.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the commissioners and assessors of the said counties of Northampton, Bedford, Northumberland and Westmoreland respectively, shall transmit to the general assembly a list of the names of the persons so exonerated, stating the particular sum so remitted to each particular person, that the deficiencies which may arise in raising the quotas of the said counties by reason hereof, shall be paid and made good out of the state taxes which shall be levied and raised hereafter.

1780.  
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 of the Common-  
 wealth.  
 Commissioners, &c.  
 to abate  
 the suffer-  
 ers of their  
 taxes.

Abatement  
 to be stated  
 to the as-  
 sembly.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on the 10th  
 day of March, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

*The fourth Year  
of the Common-  
wealth.*

## HIS EXCELLENCE

## CHAPTER CLVII.

*An ACT to revive an act, intitled, "An ACT to prevent the trespassing upon the uninclosed grounds, lying in the townships of Passyunk, Moyamensing, Northern Liberties and Germantown, in the county of Philadelphia," and to extend the said act to the adjoining township of Bristol, in the same county, and to prevent swine from running at large within the said townships, for a limited time,*

Passed March 13th, 1780. Recorded in Law Book Vol. I. Page 362, &c.  
Expired.

## CHAPTER CLVIII.

*An ACT of free and general pardon and indemnity for the offences therein mentioned.*

Preamble.

SECTION 1. WHEREAS divers unhappy disputes have heretofore subsisted between some of the subjects of this state, within the city of Philadelphia, which by mutual misunderstandings did on the fourth day of October last occasion a tumult and breach of the public peace within the said city, wherein sundry persons were unhappily killed in and near the house of James Wilson, esquire, in Walnut street, within the said city; for which the several parties concerned therein, stand bound by recognizance to answer in due course of law.

SECT. 2. And whereas since the said tumult a cordial quietude has taken place; and as the rigorous prosecution of justice in all cases is not expedient, in as much as it may tend to perpetuate enmity and discord between the citizens of the same state, when union and harmony are so necessary against the common enemy; and it being also recommended by the supreme executive council of the state, as a measure of public benefit, to pass an act of indemnity and general pardon for the said offences.

All persons concerned in the tumult pardoned.

SECT. 3. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all and every the person and persons, party and parties, engaged in the said tumult and breach of the peace, or who stand charged therewith, or with any offence arising therefrom, which is punishable by the laws of this commonwealth, by whatsoever name or names they are called, or known, be and shall, and they are hereby pardoned, released,

released, indemnified and discharged to all intents and purposes whatsoever.

SECT. 4. *Be it also enacted by the authority aforesaid,*  
 That this free pardon, indemnity and oblivion, by the general words, clauses and sentences before recited, shall be reputed, deemed, adjudged and expounded, in all courts and elsewhere, most beneficial and available to all and singular the subjects, persons and parties before mentioned, and to every of them, without any ambiguity, question or delay, to be made, pleaded or objected by this commonwealth, the attorney general thereof, or any person or persons acting under the authority thereof in their behalf. And also that this act shall be deemed, adjudged and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

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of the Common-  
wealth.

The par-  
don to be  
construed  
beneficially  
as to per-  
sons charg-  
ed.

Public act.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Monday, the  
13th day of March, A. D. 1780.

THOMAS PAINE, clerk of the general assembly.

## CHAPTER CLIX.

An ACT for incorporating the American philosophical society, held at Philadelphia, for promoting useful knowledge.

SECTION 1. WHEREAS the cultivation of useful Preamble.  
 knowledge and the advancement of the liberal arts and sciences in any country, have the most direct tendency towards the improvement of agriculture, the enlargement of trade, the ease and comfort of life, the ornament of society, and the increase and happiness of mankind.

SECT. 2. And whereas this country of North America, which the goodness of Providence hath given us to inherit, from the vastness of its extent, the variety of its climate, the fertility of its soil, the yet unexplored treasures of its bowels, the multitude of its rivers, lakes, bays, inlets, and other conveniences of navigation, offers to these united states one of the richest subjects of cultivation ever presented to any people upon earth.

SECT. 3. And whereas the experience of ages shews that improvements of a public nature are best carried on by societies of liberal and ingenious men uniting their labours

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wealth.*

(without regard to nation, sect or party) in one grand pursuit, alike interesting to all, whereby mutual prejudices are worn off, a humane and philosophical spirit is cherished, and youth are stimulated to a laudable diligence and emulation in the pursuit of wisdom.

**SECT. 4.** *And whereas* upon these principles divers public spirited gentlemen of Pennsylvania, and other American states, did heretofore unite themselves, under certain regulations, into one voluntary society, by the name of "The American Philosophical Society, held at Philadelphia for promoting useful Knowledge," and by their successful labours and investigations, to the great credit of America, have extended their reputation so far, that men of the first eminence in the republic of letters in the most civilised nations of Europe have done honour to their publications, and desired to be enrolled among their members.

**SECT. 5.** *And whereas* the said society, after having been long interrupted in their laudable pursuits by the calamities of war, and the distresses of our country, have found means to revive their design, in hopes of being able to prosecute the same with their former success, and of being further encouraged therein by the public; for which purpose they have prayed us, "the representatives of the freemen of the commonwealth of Pennsylvania," that they may be created one body politic and corporate for ever, with such powers, privileges and immunitates as may be necessary for answering the valuable purposes which the said society had originally in view.

Wherefore, in order to encourage the said society in the prosecution and advancement of all useful branches of knowledge, for the benefit of their country, and mankind,

*Society is  
corporated.*

**SECT. 6.** *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That the members of the said American philosophical society heretofore voluntarily associated for promoting useful knowledge, and such other persons as have been duly elected members and officers of the same, agreeably to the fundamental laws and regulations of the said society comprised in twelve sections prefixed to their first volume of transactions, published in Philadelphia by William and Thomas Bradford, in the year of our Lord one thousand seven hundred and seventy one; and who shall in all respects conform themselves to the said laws and regulations, and such other laws, regulations and ordinances, as shall hereafter be duly made and enacted by the said society, according to the tenor hereof, be, and for ever hereafter

after shall be one body corporate and politic in deed, by the name and stile of "The American Philosophical Society held at Philadelphia, for promoting useful Knowledge," and by the same name they are hereby constituted and confirmed one body corporate and politic, to have perpetual succession, and by the same name they and their successors are hereby declared and made able and capable in law to have, hold, receive and enjoy lands, tenements, rents, franchises, hereditaments, gifts and bequests of what nature soever, in fee simple, or for term of life, lives, years or otherwise; and also to give, grant, let, sell, alien, or assign the same lands, tenements, hereditaments, goods, chattels, and premises, according to the nature of the respective gifts, grants and bequests, made to them the said society, and of their estate therein. *Provided* that the amount of the clear yearly value of such real estate do not exceed the value of ten thousand bushels of good merchantable wheat.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the said society be, and shall be for ever hereafter able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any of the courts or other places, and before any judges, justices, and other person or persons, in all manner of actions, suits, complaints, pleas, causes and matters, of what nature or kind soever, within this commonwealth; and that it shall and may be lawful to and for the said society for ever hereafter to have and use one common seal in their affairs, and the same at their will and pleasure to break, change, alter and renew.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That for the well governing the said society, and ordering their affairs, they shall have the following officers, that is to say, one patron, who shall be his excellency the president of the supreme executive council of this commonwealth for the time being, and likewise one president, three vice presidents, four secretaries, three curators, one treasurer, together with a council of twelve members; and that on the first Friday of January next, between the hours of two and five in the afternoon, as many of the members of the said society as shall have paid up their arrears due to the society, and shall declare their willingness to conform to the laws, regulations and ordinances of the society, then duly in force, according to the tenor hereof, by subscribing the same, and who shall attend in the hall, or place of meeting of the said society within the time aforesaid,

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of the Commonwealth.  
Name.

Proviso, for  
limiting  
real estates.

May sue  
and be su-  
ed, and  
have a seal.

Officers and  
council.

Patron to be  
the presi-  
dent of the  
supreme  
executive  
council.

Three vice  
presidents,  
Esq. chosen  
on first Fri-  
day in Ja-  
nuary an-  
nually.

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wealth.

said, shall choose by ballot, agreeable to the fundamental laws and regulations herein before referred to, one president, three vice presidents, four secretaries, three curators, and one treasurer, and at the same time and place the members met and qualified as aforesaid, shall in like manner choose four members for the council, to hold their offices for one year, four more members for the council, to hold their offices for two years, and four more members for the council, to hold their offices for three years. And on the first Friday in January, which shall be in the year of our Lord one thousand seven hundred and eighty two, and so likewise on the first Friday of January, yearly and every year thereafter, between the hours of two and five in the afternoon, the members of the said society met, and qualified as aforesaid, shall choose one president, three vice presidents, four secretaries, three curators and one treasurer, to hold their respective offices for one year; and four council men, to hold their offices for three years: Provided that no person residing within the united states shall be capable of being president, secretary, curator, treasurer, or member of the council, or of electing to any of the said offices, who is not capable of electing, and being elected to civil offices within the state in which he resides.

Proviso,  
that officers  
may be re-  
elected.

SECT. 9. *Provided also,* That nothing herein contained shall be considered as intended to exclude any of the said officers or counsellors, whose times shall be expired, from being re-elected, according to the pleasure of the said society; and of the day, hours and place of all such elections, due notice shall be given by the secretaries, or some one of them, in one or more of the public newspapers of this state, agreeable to the said fundamental laws and regulations before referred to.

Officers to  
be regula-  
ted by Sta-  
tutes, &c.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the officers and council of the said society shall be capable of exercising such power for the well governing and ordering the affairs of the society, and of holding such occasional meetings for that purpose, as shall be described, fixed, and determined by the statutes, laws, regulations and ordinances of the said society hereafter to be made.

Proviso for  
the orderly  
passing of  
statutes.

SECT. 11. *Provided always,* That no statute, law, regulation or ordinance shall ever be made or passed by the said society, or be binding upon the members thereof, or any of them, unless the same hath been duly proposed, and fairly drawn up in writing, at one stated meeting of the society, and enacted or passed at a subsequent meeting at least the space of fourteen days after the former meeting, and upon due notice in some of the public newspapers, that the enacting

enacting of statutes and laws, or the making and passing ordinances and regulations, will be part of the business of such meeting; nor shall any statute, law, regulation or ordinance be then or at any time enacted or passed, unless thirteen members of the said society, or such greater number of members as may be afterwards fixed by the rules of the society, be present, besides such quorum of the officers and council, as the laws of the society for the time being may require, and unless the same be voted by two thirds of the whole body then present; all which statutes, laws, ordinances and regulations so as aforesaid duly made, enacted and passed, shall be binding upon every member of the said society, and be from time to time inviolably observed, according to the tenor and effect thereof; provided they be not repugnant or contrary to the laws of this commonwealth, for the time being in force and effect.

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of the Common-  
wealth.

SECT. 12. *And whereas nations truly civilised (however unhappily at variance on other accounts) will never wage war with the arts and sciences and the common interests of humanity.*

SECT. 13. *Be it further enacted by the authority aforesaid,*  
That it shall and may be lawful for the said society, by their proper officers, at all times, whether in peace or war, to correspond with learned societies, as well as individual learned men, of any nation or country, upon matters merely belonging to the business of the said society; such as the mutual communication of their discoveries and proceedings in philosophy and science; the procuring books, apparatus, natural curiosities, and such other articles and intelligence as are usually exchanged between learned bodies for furthering their common pursuits.

Society may  
correspond  
with ene-  
mies in time  
of war,  
upon mat-  
ters merely  
relating to  
the business  
of said so-  
ciety.

SECT. 14. *Provided always,* That such correspondence of the said society be at all times open to the inspection of the supreme executive council of this commonwealth.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday,*  
*the 15th day of March, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly. S

1780.

## CHAPTER CLX.

*The fourth Year  
of the Common-  
wealth.*

An ACT to cure a defect in an act of assembly, intitled, "An Act to confirm the estates and interests of the college, academy and charitable school of the city of Philadelphia, and to alter and amend the charters thereof, conformably to the revolution and the constitution of this commonwealth, and to erect the same into an university:" And also an error in the date of another act of assembly, intitled, "A supplement to an act, intitled, An Act for the attainer of divers traitors if they render not themselves by a certain day, and for vesting their estates in this commonwealth, and for more effectually discovering the same, and for ascertaining and satisfying the lawful debts and claims thereupon."

Preamble. SECTION I. WHEREAS in an act of assembly, passed on the twenty seventh day of November last, intitled, "An Act to confirm the estates and interests of the college, academy and charitable school of the city of Philadelphia, and to amend and alter the charters thereof, conformably to the revolution and the constitution of this commonwealth, and to erect the same into an university," the word College was through mistake inserted in the sixteenth section thereof, instead of the word University, by reason whereof, the authority intended to be vested in two justices of the peace, by said act to proceed in a summary way against persons refusing to deliver up to the trustees of the said university upon demand, the library, apparatus, mortgages, specialties, deeds or instruments, or other papers or books of record, or real estate of the said university, in custody or possession of such persons so refusing, may be disputed and prove insufficient for the purposes designed by the legislature. For remedy whereof,

*The word  
College to  
be constru-  
ed Univer-  
sity.*

SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said act shall be construed and taken for the benefit and relief of the trustees of the said university, as fully as if the said university was named in the said sixteenth paragraph, in the stead and place of the word College, and the said justices shall proceed accordingly.

Preamble. SECT. 3. And whereas an error in form hath been discovered in the date of an act of assembly, intitled, "A supplement to an act, intitled, An Act for the attainer of divers traitors if they render not themselves by a certain day, and for vesting their estates in the commonwealth, and for more effectually discovering the same,"

" fame, and for ascertaining and satisfying the lawful debts and claims thereon," by writing the word April at the foot of the record of the said act, instead of the word March, which by the minutes of the general assembly, recourse being thereunto had, appears to be the month wherein the said law was enacted; and advantage may perhaps be taken from the error last mentioned, to weaken or elude the operation of the last recited act. For remedy whereof,

**SECT. 4.** *Be it further enacted by the authority aforesaid,* That the last recited act shall have the same and equal effect and operation, as if the word March had been written at the foot of the said record, in the place where the word April has been erroneously written, as aforesaid. And that all sales, transfers, leases, acts and proceedings whatsoever, had, made, suffered or done, under the said act of assembly, shall be deemed as valuable and effectual in the law, to all intents and purposes, as if the said error or mistake had not been made.

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of the Common-  
wealth.

The word  
March to  
have like  
effect as  
April.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday,*  
*the 16th day of March, A. D. 1780.*  
THOMAS PAINÉ, clerk of the general assembly.

## C H A P T E R CLXI.

*An ACT to prevent trespasses and waste from being committed upon the lands of absent persons, and upon vacant and unappropriated lands.*

**SECTION 1.** WHEREAS divers disorderly persons have of late entered upon the lands of persons residing beyond sea, or without the bounds of this state, and upon lands out of the possession of any particular person, and upon lands reputed to be vacant or unappropriated, under pretence of certain claims and rights, or otherwise, and have committed great trespasses and waste thereon, by felling of timber.

**SECT. 2.** And whereas it is likely that some of the lands aforesaid are the proper estate of the commonwealth, and those belonging to absent persons ought in this time of war, when intercourse with Europe and other foreign countries is much interrupted, to be preserved from the trespasses and waste aforesaid.

SECT.

1780.

*The fourth Year  
of the Commonwealth.**Trespassers  
on lands of  
absentees,  
&c. to pay  
treble da-  
mages, and  
suffer as for  
misdemea-  
nor.**All surveys  
without li-  
cence from  
president  
and coun-  
cil, void.**Preamble  
concerning  
surveys  
lately  
made.**Surveys  
lately  
made, to be  
lodged with  
secretary,  
or be made  
void.*

**SECT. 3.** *Be it therefore enacted, and it is hereby enacted,* by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That if any person or persons whatsoever, under the pretence of any claim or right, derived from the late proprietaries, or without any title shall enter upon the lands of any person or persons residing beyond seas, or without the bounds of this state, or upon lands out of the possession of any particular person, or upon lands which are vacant or unappropriated, or reputed to be vacant or unappropriated, and shall commit any trespass or waste thereon, every person so offending, his or her aiders and abettors, shall not only be liable to the owner or owners of such land, or to the commonwealth for treble damages as tenants committing waste for such trespass and waste, but moreover shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined and imprisoned at the discretion of the court of quarter sessions or other court, wherein such conviction shall be had.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That for and during the continuance of this act no surveyor or other person shall presume to measure, survey, or locate any right or claim to land as aforesaid, unless he be authorised so to do by the special licence of the president or vice president in council, under the less seal, who upon due proof of the equity thereof may grant the same; and every survey, location or appropriation of land, made without such licence be first obtained, and unless a return of the survey thereupon made shall be made into the office of the secretary of the supreme executive council within six months after the same shall be made, shall be utterly null and void.

**SECT. 5.** And in order to correct as far as may be the mischiefs which have arisen or may arise to the commonwealth by clandestine surveys and undue appropriations of vacant or waste lands made since the fourth day of July, which was in the year of our Lord one thousand seven hundred and seventy six,

**SECT. 6.** *Be it enacted by the authority aforesaid,* That no survey or appropriation of vacant or unappropriated lands, which has been made within this state since the fourth day of July, which was in the year of our Lord one thousand seven hundred and seventy six, shall be available in law or equity, or shall be considered as vesting any estate in such land, unless the date and other particulars of the same, together with a clear description of the right or claim upon which it was made, shall be entered in the office

of

of the secretary of the supreme executive council, within the times herein after limited, that is to say, in case such survey has been made in the counties of Bedford, Northumberland or Westmoreland, before the first day of January next, and in case such survey has been made in any other county before the first day of November next.

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wealth.

SECT. 7. *Provided always, and be it further enacted by the authority aforesaid,* That such entry in the office of the said secretary shall not give any relief or benefit to any person to which he or she was not entitled before the passing of this act.

SECT. 8. *And be it further enacted by the authority aforesaid,* That this act shall continue and be in force for and during nine months, and from thence to the end of the next session of the general assembly, and no longer.

Proviso,  
that aid  
any such  
survey.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Friday, the  
17th day of March, A. D. 1780.  
THOMAS PAINE, clerk of the general assembly.

## CHAPTER CLXII.

An ACT to render the revenue arising from the excise on wine and spirits, and on licences to be granted to public houses, effective and equal to the public necessities.

SECTION I. WHEREAS in and by an act of assembly of the late province of Pennsylvania, passed in the year of our Lord one thousand seven hundred and fifty six, it was directed, That an excise should be levied, collected and paid throughout the said province, for the purposes therein mentioned, for all rum, brandy and other spirits, sold, drawn, shared or bartered by any person or persons whatsoever, in any quantity under seventy gallons, and for all wines, sold, drawn, shared or bartered, by any person or persons whatsoever, under the quantity of one hogshead; such quantities to be delivered at one time, and to one person, at any time from and after the first day of October, which was in the year of our Lord one thousand seven hundred and fifty six, for and during the space of ten years then next following, and for so long after as should be necessary to answer the purposes for which the said excise was appropriated, at the rate of four pence per gallon, and so proportionably for a greater

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wealth.*

or less quantity, and divers regulations were made, powers given, and officers appointed, in order to bring the revenue thereby to arise into the treasury.

SECT. 2. *And whereas the excise aforesaid was afterwards altered, additional regulations concerning the same, made, and further powers given for the more effectual collecting thereof, for and during ten years from the tenth day of April, which was in the year of our Lord one thousand seven hundred and seventy two, by an act, intitled, "An Act for the support of the government of this province, and making the excise on wine, rum, brandy, and other spirits more equal, and preventing frauds in the collecting and paying of the excise," passed in the said late province, on the first day of March, in the year of our Lord one thousand seven hundred and seventy two, for the purpose of sinking and discharging certain bills of credit, of the value of twenty five thousand pounds, emitted by virtue of the said act.*

SECT. 3. *And whereas the said excise was afterwards charged with the redemption of the further sum of twenty two thousand pounds, emitted in bills of credit, by virtue of an act of assembly, intitled, "An Act for the support of the government of this province, and payment of public debts."*

SECT. 4. *And whereas the residue of the said bills of credit, which were still current on the twenty fifth day of May, in the year of our Lord one thousand seven hundred and seventy eight, were called in and provided for, in and by an act of this commonwealth, intitled, "An Act for the calling in of the bills of credit issued by the legislative authority of Pennsylvania, under the sanction and authority of the crown of Great Britain, and for other purposes therein mentioned," and a supplement to the same, whereby the said revenue of excise is now disengaged.*

SECT. 5. *And whereas the ordinary support of government, the contingent expences thereof, and divers other calls at this time of war, require considerable sums of money, and it would be very distressing to the people of this state, now labouring under heavy taxes on their estates real and personal, to increase their burthens of that kind.*

*Excise to be levied during four years, after the 10th of April next.*

SECT. 6. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said revenue of excise shall be levied, collected and paid into the treasury of this state, during the remainder of the last mentioned term of ten years, for the purposes*

purposes aforesaid. And in order to render the said revenue of excise effective, and in some measure proportioned to the great rise in the prices of wine and spirits, and the necessities of the state,

**SECT. 7.** *Be it further enacted by the authority aforesaid,* That from and after the first day of May next the said excise of four pence per gallon, and the sum of three pounds per annum, being the lowest rate at which any retailer of wine or spirits is allowed by the said acts of assembly to compound for the same, shall be deemed to be money of the value of ten shillings for a bushel of wheat, and estimated, collected, satisfied and paid, in the manner after which the fees of certain officers are directed to be estimated, satisfied and paid, in and by an act of assembly, intitled, “*An Act for the better support of certain officers of this state, and for ascertaining the specific fines and penalties which they may incur by neglect of duty.*”

**SECT. 8.** *And whereas the great profits and advantages of late gained by the keepers of inns, taverns, ale houses, and retailers of wine, rum, and other spirits, will easily admit that the public income arising from licences to be granted to such persons, may be augmented to a rate in some degree proportioned to the increased prices of goods, merchandise and tavern charges, in order to answser the salaries necessary to be given to public officers.*

**SECT. 9.** *Be it therefore enacted by the authority aforesaid,* That from and after the ninth day of August next the money directed to be paid for such licences by the act of assembly of the late province of Pennsylvania, intitled, “*An Act that no public house or inn within this province, shall be kept without licence, and the security directed to be given by tavern keepers and others, in one hundred pounds before such licences be issued,*” shall be taken in a sum equivalent to the augmented price of such licence, and shall be deemed to be money of the value of ten shillings for a bushel of wheat, and estimated, collected, satisfied and paid in like manner as the fees of certain officers as aforesaid.

**SECT. 10.** *And be it further enacted by the authority aforesaid,* That an act of assembly of this commonwealth, intitled, “*An Act to increase the fees on tavern licences, the fines on tippling houses and the rates of excise,*” passed on the fifteenth day of March, which was in the year of our Lord one thousand seven hundred and seventy nine, and every thing therein contained, (saving the treble rates thereby laid upon tavern licences, which shall continue till the said ninth day of August next) shall from and after

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wealth.

Excise after  
the first of  
May next,  
to be levied  
and paid as  
fees of of-  
ficers.

Preamble  
concerning  
tavern li-  
cences.

Duty on ta-  
vern licen-  
ces to be  
paid as fees  
of officers,  
and bond  
given ac-  
cordingly.

Repeal of  
former  
laws.

Except, &c.

## HIS EXCELLENCE

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wealth.*

after the said first day of May next, be repealed and made void.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
17th day of March, A. D. 1780.**THOMAS PAINE, clerk of the general assembly.*

## CHAPTER CLXIII.

*An ACT to grant to Henry Guest, an exclusive right  
for the term of five years of making oil and blubber,  
from the materials of his own discovery.*

Preamble. SECTION I. WHEREAS the encouragement of arts, manufactures and commerce, has always in all civilised and well improved countries been held as one of the duties of government; and that to provide suitable recompence for those, who by their own expence, ingenuity, or dint of application, have made new and useful discoveries, is not only consistent with justice and generosity, but with true policy.

SECT. 2. And whereas Henry Guest, now of the town of New Brunswick, in the state of New Jersey, has, by petition to this house, set forth, that by long study and frequent as well as expensive experiments he has discovered a method hitherto unpractised and unknown, of making an oil commonly known by the name of Curriers Oil and Blubber, from certain materials found within these united states, or parts thereof; and has prayed us to grant to him an exclusive right, for the term of five years, of making and manufacturing oil and blubber from the materials by him so discovered.

Sole right  
given to  
Henry  
Guest for  
five years.

SECT. 3. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the time at which the aforesaid Henry Guest shall erect a manufactory in this state, and produce oil and blubber therein for sale from the materials he has discovered (provided the same be done within the space of eight months from the time of passing this act) that he shall be, and he is hereby invested, as a reward for his discovery, and for the purpose of promoting useful manufactories in this state, with the sole and exclusive right for the term of five years of manufacturing oil and blubber, from the materials he has discovered.

SECT.

**SECT. 4.** *And be it enacted by the authority aforesaid,* That if any person or persons within this state shall during the aforesaid term of five years make use of the same kind of materials for the purpose of manufacturing any oil or blubber for sale, that it shall and may be lawful for the said Henry Guest, his heirs, executors or administrators, to sue for and recover for his, her or their use, one half the value of all the oil and blubber made for sale by such person or persons, in the manufacturing or making of which, he, she or they shall make use of any of the materials by him discovered and used in the manufacturing of oil and blubber as aforesaid.

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of the Common-  
wealth.All other  
persons  
prohibited.

**SECT. 5.** And, in order to prevent any disputes or uncertainties arising as to the identity of the materials discovered and used in the making of oil and blubber by the aforesaid Henry Guest, Be it known, and it is hereby declared, That, before the passing of this act, he, the said Henry Guest, hath lodged in the clerk's office of this house, sealed up and indorsed by himself and the clerk, a particular account and description of the materials by him invented or discovered, for the purpose of making therefrom oil and blubber.

A sample of  
the materi-  
als lodged  
with the  
clerk of as-  
sembly.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That before or as soon as he the said Henry Guest begins to manufacture the aforesaid oil and blubber in this state, he shall put up in his said manufactory or manufactures a printed account in English and German of the said materials by him discovered or invented, and used in the making oil and blubber, subject to the inspection of all persons, in order that no person may unknowingly offend, and that all, after the expiration of the term of five years, may be enabled to prosecute the said manufactures to their advantage.

Henry  
Guest to  
publish the  
same.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
17th day of March, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

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## CHAPTER CLXIV.

*An ACT for the effectual recovering and securing the fines, forfeitures and other monies due, or belonging to the commonwealth, for the use of the same.*

Preamble.

SECTION I. TO the end that all fines, forfeitures, issues, amerciaments, fees and monies, which by the constitution and laws were designed, and ought to be applied towards defraying the necessary charges of supporting government, and the administration of justice within this commonwealth, may be duly estreated, levied and paid into the public treasury, and go to the uses intended;

All fines, &c. to be estreated into the supreme court, every April and September, SECT. 2. Be it enacted, and it is hereby enacted; by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all fines, issues, amerciaments, forfeited recognisances, sum and sums of money to be paid in lieu and satisfaction of them, and all other forfeitures, which from and after the publication of this act shall be set, imposed, lost or forfeited in the supreme court, or in any of the courts of common pleas, courts of general quarter sessions of the peace, and goal delivery, or before any special commissioners of oyer and terminer, in any county of this state, or before any justices or justice of the peace, shall by the justices, prothonotaries, clerks and sheriffs respectively, be certified and estreated in, and into the supreme court to be held at Philadelphia on the tenth day of April next, expressing the cause of the loss, the court, the nature of the writ, and names of the parties betwixt whom the said issues and amerciaments are lost, and from whom the said monies were received or are still due. And that all fines, issues, amerciaments, forfeited recognisances, sum and sums of money to be paid in lieu or satisfaction of them, or any of them, and all other forfeitures whatsoever arising in the said courts, and due to the state, from and after the tenth day of April next, in every year, to the twenty fourth day of September in every year, shall be, and are hereby ordained and required to be certified and estreated in and into the supreme court at Philadelphia, the last day of every September term, in every year; and from the beginning of every September term there in every year, to the beginning of April term there in every year, on the last day of every April term in every year; on pain that every officer and minister aforesaid, who by this or any other law of this commonwealth ought to make certificates or estreats of any of the said fines, issues, amerciaments, forfeitures or monies, making default or offending therein, and being thereof legally convicted

on pain of fine and removal from office.

victed on indictment or information in the said court, shall be fined at the discretion of the said court, for the use of the state; and on further pain in case of a conviction for a second default or offence of a like nature, of being displaced and removed from office by the justices of the said supreme court.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That the clerk of the city court in Philadelphia, and every of the clerks of the peace within this commonwealth, shall make and deliver yearly to the sheriff of the respective city or county where the sessions of the peace is or shall be kept, within ten days after the first day of November in every year, a true and perfect es-treat or schedule of all fines, issues, amerciaments, forfeited recognisances, sum and sums of money, and other forfeitures whatsoever, which shall happen to be imposed, set, lost or forfeited in any of the said sessions of the peace respectively, which shall be held before the said first day of November, by or upon any person or persons whatsoever; and shall also yearly and every year, on or before the tenth day of April, make out and deliver to the prothonotary of the supreme court, a true and perfect duplicate, certificate, and es-treat of all the schedules so delivered to the said respective sheriffs, that so they or their opposals in the said supreme court may be charged with the money levied and received by them respectively, upon such schedules delivered as aforesaid, on pain that every person and persons offending herein, and being thereof legally convicted in manner aforesaid, shall be fined in any sum, at the discretion of the said court, for the use of the state; and on further pain in case of a conviction for a second default or offence of the like nature, of being displaced and removed from office by the justices of the said supreme court.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That the justices of the supreme court may and shall award process for levying, as well of such fines, forfeitures, issues and amerciaments as shall be es-treated into the same, as of all the fines, forfeitures, issues and amerciaments which shall be lost, taxed and set there, and not paid to the uses they shall be appropriated to.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That all clerks and prothonotaries of the said courts, clerks of the peace, and others to whom it belongs, to make return of es-treats into the said supreme court, shall deliver in all and every such es-treat and es-treats upon their oaths or affirmations, to be administered by one or more of the judges of the same court, or any two justices

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wealth.

Clerks of  
the peace  
to deliver  
schedules  
to sheriffs,  
and to the  
prothono-  
tary of the  
supreme  
court  
yearly,

on pain of  
fine and re-  
moval from  
office.

Justices of  
supreme  
court to  
award pro-  
cess.

Es-treats to  
be return-  
ed upon  
oath, &c.

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wealth.*

justices of the peace, to the effect following, that is to say, " You shall declare, that these estreats now by you delivered are truly and carefully made up and examined; and that all fines, issues, amerciaments, recognisances and forfeitures which were set, lost, imposed or forfeited, and in right and due course of law ought to be estreated in the supreme court of Pennsylvania, are, to the best of your knowledge and understanding, herein contained; and that in the same estreats are also contained and expressed all such fines and amerciaments as have been paid into the court from which the said estreats are made, without any wilful or fraudulent dis- charge, omission, misnomer or defect whatsoever."

*How frauds  
shall be pun-  
ished.*

SECT. 6. *And be it further enacted by the authority aforesaid,* That no justice, officer or minister, of or belonging to any of the said courts, nor any prothonotary or clerk of the said supreme or other court, clerk of the peace, nor any officer or minister under them, or any of them, nor other person or persons whatsoever, do or shall spare, take off, discharge, or wittingly or willingly conceal any indictment, fine, issue, amerciament, forfeited recognisance, or other forfeiture whatsoever, exhibited, set, imposed, lost or forfeited in any of the courts above mentioned, or before any of the judges, justices or commissioners, of or belonging to the same; or any sum or sums of money paid, or to be paid to any officer or officers, in lieu or satisfaction of any fine or forfeiture, unless it be by rule or order of court, where such indictment, fine, issue, amerciament, forfeited recognisances or other forfeiture whatsoever, is or shall be exhibited, set, imposed, lost or forfeited; nor shall any of the justices, officers or ministers aforesaid, or any other, willingly or wittingly mis-certify or estreat in or into any of the said supreme courts, any fine, issue, amerciament, forfeited recognisance, or other forfeiture whatsoever, whereby the process of the said supreme court for the levying thereof may be made invalid and of none effect: But every such justice, officer and minister, and all and every other person and persons offending herein, shall for every such offence forfeit and pay treble the value of such fine, issue, amerciament, forfeited recognisance, sum or sums of money, or other forfeiture so spared, taken off, discharged, concealed, not certified or estreated, or mis-certified as aforesaid, the one moiety thereof to the use of the state, and the other moiety to such person or persons as will sue for the same, to be recovered with costs in any court of record within this commonwealth, by action of debt, bill or information, wherein

no effoin, protection or wager of law, or more than one imparlance shall be allowed.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the justices of the supreme court, or any two of them, shall view all the said estreats, and cause their prothonotary or clerk to enroll them in the said court; and shall hear and determine all complaints brought before them, concerning immoderate fines, issues or amerciaments estreated as aforesaid, and give relief to the party grieved, according to justice and their legal discretion.

SECT. 8. *And be it enacted by the authority aforesaid,* That the justices of the supreme court may and shall nominate and appoint an officer, to be stiled "The Clerk of the Estreats," whose duty shall be to keep a fair and true account of all fines, issues, amerciaments, forfeited recognisances, sum and sums of money paid in lieu and satisfaction of them, and all other forfeitures, also of all fees and licence money belonging to this commonwealth, to be taken from the schedules or estreats thereof, delivered by the respective sheriffs to the prothonotary of said court from time to time or otherwise; to ascertain the amount of the same annually in each county, and charge the same to the proper persons; to put the aforesaid recognisances in process under the direction of the supreme court; and to do and perform all such other matters and things as the said court shall think necessary for the effectual securing the fines and monies aforesaid, to the use of the commonwealth.

SECT. 9. *And be it further enacted by the authority aforesaid,* That all and every the said fines, sums of money, or other forfeitures, which from henceforth shall be levied or received for the use of the state, according to the directions and intent of this act, shall be paid by the sheriff or other officer or minister who levied or received the same, to such person as shall by the general assembly from time to time be appointed treasurer of this commonwealth; who shall keep a fair and true account of the same in a book to be by him provided for that purpose; and shall from time to time lay an account thereof before the said general assembly; and the said treasurer shall receive for his trouble in receiving and paying over such monies so by him received, three and a half per centum; and the said clerk of the estreats shall receive for his trouble one and a half per centum on all monies so as aforesaid paid into the treasury.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the secretary of the supreme executive

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wealth.**Justices of  
the supreme  
court to  
view all  
estreats,**and appoint  
a clerk of  
estreats.**Monies aris-  
ing there-  
from, to be  
paid to the  
treasurer of  
the state.**His allow-  
ance, and  
that of the  
clerk of the  
estreats.**Secretary  
and his de-  
puties to  
council,*

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*The fourth Year  
of the Commonwealth.**certify the  
duties arising  
from ta-  
vern and  
other li-  
cences, on  
pain of  
fine, &c.*

council, or his deputies for delivering out licences within the several counties of this state respectively, shall keep a true and just account of all fees and licence money which have been heretofore payable to the governor or his deputies, for the support of government, and by the constitution of this commonwealth are directed to be paid into the public treasury, expressing the time when, the persons names to whom any licence has been granted, and where they inhabit; also the names of the person or persons from whom any such fees or licence money have been received, the time when received, and for what service; and shall certify the same to the justices of the supreme court on the first day of the September term at Philadelphia in every year, and shall pay the same or cause the same to be paid to the treasurer of this commonwealth for the time being, within ten days after, on pain of forfeiting and paying any sum that the said court in their discretion may think just and proper; the one moiety thereof to the use of the state, and the other moiety to him or them that will sue for the same, to be recovered with costs as aforesaid.

*Repeal of  
former law.*

SECT. II. *And be it further enacted by the authority aforesaid, That the act, intitled, "An Act for the better recovery of fines and forfeitures, due to the governor and government of this province," passed the twenty eighth day of May, in the year of our Lord one thousand seven hundred and fifteen, be, and the same is hereby repealed and made null and void.*

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the  
18th day of March, A. D. 1780.  
THOMAS PAINÉ, clerk of the general assembly.*

## CHAPTER CLXV.

1780.

*The fourth Year  
of the Commonwealth.*

An ACT directing the apportioning and assessing of county rates and levies; poor rates; the taxes to be laid for the opening, amending and repairing of roads and highways; the taxes to be laid for supporting the nightly watch, the lamps and pumps, and for pitching, paving and cleansing the streets, lanes and alleys, and for regulating, making and amending the water courses and common sewers in the city of Philadelphia, conformably to the state taxes on taxable persons, and on estates real and personal; for explaining and amending the acts, passed in the year One thousand seven hundred and seventy nine, for assessing and levying the said state taxes; and for increasing the recompence of county commissioners and assessors.

## SECTION 1. WHEREAS in and by divers acts of Preamble.

**W**hile assembly, county rates and levies; poor rates; taxes necessary to be levied for the opening, amending and repairing of roads and highways; and the taxes for supporting the nightly watch, lamps and pumps, and for pitching, paving and cleansing the streets, lanes and alleys, and regulating, making and amending the water courses and common sewers in the city of Philadelphia, various modes of assessment are directed within the several counties, townships and districts, and within the city of Philadelphia respectively.

SECT. 2. And whereas the making of the said assessments, as is directed in and by the several acts of assembly aforesaid, hath been found to be very tedious and expensive, and the same is now become needless in most of the counties of this state, by the present manner of assessing the state taxes upon taxable persons, and estates real and personal, and it would save much time and trouble, if the county, city, township and district rates and taxes aforesaid, were assessed conformably to the state taxes.

SECT. 3. Be it therefore enacted, and it is hereby enacted, County by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the passing of this act all county, city, township and district taxes herein before enumerated hereafter to be laid and assessed on the taxable persons and estates real and personal, within any county, the city of Philadelphia, or any township or district, shall be apportioned and assessed according to the last state tax, laid in the particular county, and not otherwise.

SECT. 4. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend

Proviso for appeal, &amp;c.

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wealth.*

extend to any state tax on ready money, nor to debar any person who may think him or herself aggrieved by any thing done by virtue of this act, of any appeal to which he or she was otherwise entitled; nor to alter the mode of collecting any of the rates, levies or taxes aforesaid; nor to alter the mode of taxation in any county in which a state tax has not been made within twelve months before the laying of such county, city, township or district rate or tax.

**Tax on re-**  
**al estate**  
**transferred**  
**to be charg-**  
**ed to buy-**  
**ers.**

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That if upon appeal concerning any rate or tax as aforesaid, it shall appear that any real estate hath been transferred from the person or persons charged for the same in the last state tax, and before the laying of such county, city, township or district rate or tax, so appealed against, the commissioners of the county, justices of the peace, wardens of the watch, or commissioners for paving the streets of the city of Philadelphia, as the case may be, shall transfer to the name of the purchaser thereof, and charge such purchaser in the duplicate, with the rate or tax assessed upon such estate.

**Preamble.**

**SECT. 6.** *And whereas* it will not be reasonable that county assessors in laying the county tax, and the assessors of the city of Philadelphia in laying of city taxes, according to the direction of this act, should be paid as heretofore;

**County and**  
**city asses-**  
**sors, how**  
**paid.**

**SECT. 7.** *Be it therefore enacted by the authority aforesaid,* That the said assessors shall, in executing this act, be entitled to like recompence as is herein after allowed to county assessors, and no other.

**Preamble**  
**concerning**  
**the pay-**  
**ment of tax-**  
**es by re-**  
**nants.**

**SECT. 8.** *And whereas* divers owners of lands, whereon improvements have been made, and of tenements, may not reside in the county or district where such lands or tenements are situate, whereby it may be difficult to collect the taxes assessed on such real estate, in pursuance of the acts of assembly passed in the year one thousand seven hundred and seventy nine, authorising the laying, and assessing and levying of state taxes: For remedy whereof,

**Tenants**  
**distrainted**  
**for taxes,**  
**their reme-**  
**dy.**

**SECT. 9.** *Be it enacted by the authority aforesaid,* That the tenant or tenants, or other person residing on, or occupying such real estate, his, her and their goods and chattels, as well as the lands, goods and chattels of the owner or owners thereof, shall be liable to be distrained for to satisfy the said taxes or any of them; and in case the tenant or tenants, or other person or persons residing on, or occupying such real estate hath or have paid, or shall pay any tax laid thereon by virtue of any of the said acts, or hath or have been, or shall be distrained to satisfy such tax, such tenant or tenants may retain the same out of the rent

by

by him, or her, or them payable for such real estate, to the landlord; or the said tenant or tenants, or other occupier or occupiers of such estate shall recover the same, with costs of suit, of the owner of such estate, by action of debt, if under fifty pounds, in a summary way, in like manner as small debts are recoverable; but if the same exceeds fifty pounds, in any court of common pleas.

SECT. 10. *Provided always,* That nothing in this act shall in any manner alter any contract heretofore made between any landlord and tenant concerning the payment of taxes; nor to repeal or alter the directions of the act of assembly, intitled, "An Act for raising the additional sum of five millions seven hundred thousand dollars, in the year one thousand seven hundred and seventy nine," passed on the tenth day of October last, obliging tenants holding under a lease, whereby the rent had been reserved in current money, to pay over and above the said rent, all taxes on his holding,

SECT. 11. *And whereas* the recompence at present allowed to county commissioners and assessors is found to be unequal to their expences and labour; wherefore,

SECT. 12. *Be it enacted by the authority aforesaid,* That henceforth the recompence of said commissioners and assessors shall be ten shillings per diem of money, at ten shillings for a bushel of wheat, and shall be estimated and satisfied in like manner, as the recompence and fees of county commissioners and assessors were estimated and satisfied before the passing of this act.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Saturday,  
the 18th day of March, A. D. 1780.  
THOMAS PAINE, clerk of the general assembly. §

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wealth.

Proviso,  
concerning  
leases made  
before 1st  
January,  
1777.

## CHAPTER CLXVI.

An ACT to enable William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson and Joseph Davis, to build a new court house and prison in the county of Chester, and to sell the old court house and prison in the borough of Chester.

SECTION I. WHEREAS it has been represented to this house, that the holding of courts of general quarter sessions of the peace, common pleas, nisi prius, oyer and terminer and general jail de-

1780.

The fourth Year  
of the Commonwealth.William  
Clingan,  
&c. to build  
a new court  
house, &c.

livery, for the county of Chester, in the borough of Chester, is very inconvenient and burthensome to a great part of the inhabitants of the said county, as the situation of said borough is at an extreme corner of said county; and that it would be very commodious and much for the advantage of the inhabitants in general, if the several courts were held at a more central part of the said county.

**SECT. 2.** *Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That it shall and may be lawful to and for the said William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson and Joseph Davis, or any four or more of them, to purchase and take assurance to them and their heirs, of a piece of land situate in some convenient place of the said county, in trust and for the use of the said county, and thereon to build and erect, or cause to be built or erected, a court house and prison, sufficient to accommodate the public service of the said county, and for the ease and convenience of the said inhabitants.

To be the  
court house  
of said  
county.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That when the said court house and prison shall be erected as aforesaid, that from thenceforth the several courts of general quarter sessions, common pleas, nisi prius, oyer and terminer and general jail delivery for the said county, shall be holden and kept at the said court house, when the same is built and erected in the place so to be provided as aforesaid.

Old court  
house, &c.  
to be sold.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, that the said William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson and Joseph Davis, or any four or more of them, shall have full power to expose to sale by public vendue to the highest bidder, the old court house, prison and work house, with all and singular the appurtenances and hereditaments thereunto belonging, situate in the borough of Chester aforesaid, and to give assurances to the heirs and assigns of the purchaser or purchasers for ever; and the monies therefrom arising shall be appropriated towards paying for the lands to be purchased, and the new court house and prison to be built in the said place so as aforesaid, to be provided.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That for the defraying the remainder of the expences and charge of purchasing the land, building and erecting the said court house and prison, it shall and may

be

be lawful for the commissioners and assessors of said county, or a majority of them, to assess and levy so much money as the said trustees or any four of them shall judge necessary, for paying the remainder aforesaid, of purchasing the land, and finishing the said court house and prison, and they are hereby required so to do.

1780.

The fourth Year  
of the Common-  
wealth.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Monday, the  
20th day of March, A.D. 1780.

THOMAS PAINE, clerk of the general assembly.

## C H A P T E R CLXVII.

An ACT for the regulation of the militia of the commonwealth of Pennsylvania.

SECTION 1. WHEREAS a militia law, founded upon just and equitable principles, hath been ever regarded as the best security of liberty, and the most effectual means of drawing forth and exerting the natural strength of a state.

SECT. 2. And whereas a well regulated militia is the only safe and constitutional method of defending a free state, as the necessity of keeping up a standing army, especially in times of peace, is thereby superseded.

SECT. 3. And whereas the militia law of this commonwealth, enacted by the general assembly the seventeenth day of March, one thousand seven hundred and seventy seven, from a change of circumstances and other causes, hath become insufficient to answer the purposes aforesaid, which renders it highly necessary that a new law should be enacted. Therefore,

SECT. 4. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the president in council, or, in his absence, the vice president in council, of this commonwealth, shall appoint and commissionate one reputable freeholder in the city of Philadelphia, and one in each county within this state, to serve as lieutenants of the militia for the said city and counties respectively; and also any number of persons not exceeding two for the said city; and in the several counties any number not exceeding the

President in council to appoint a lieutenant in each county.

1780.

*The fourth Year  
of the Common-  
wealth.**Lieute-  
nants to  
find secu-  
rity.**Lieute-  
nants to  
procure a  
list of all  
male white  
inhabitants  
between  
18 and 53  
years of age  
yearly.*

the number of battalions now or to be hereafter formed, to serve as sub lieutenants in the said city and counties respectively; who, besides the powers which are given him and them by this act, shall have the title and rank which the president in council, or, in his absence the vice president in council, shall confer; which said lieutenant, or in his absence or incapacity two or more sub lieutenants, shall have full power and authority to do and perform all and singular the duties required of the said lieutenants by this act.

**SECT. 5.** *And be it enacted by the authority aforesaid,* That the lieutenants and sub lieutenants, before they enter upon the execution of their offices respectively, shall give bond to the treasurer of the county in which they severally reside, in the name of the president or commander in chief of the state, with one sufficient surety, in the sum of twenty thousand pounds, conditioned for the faithful accounting for and paying of all the monies which shall come to their hands by virtue of this act, when thereunto lawfully required. And that the public bonds given or to be given by the treasurer of the state or county treasurers, for the due discharge of their respective offices, shall be deemed to extend to the faithful performance of the trust hereby committed to them respectively.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That the said lieutenant or sub lieutenants (one in every year) shall issue his or their warrants to the captain or commanding officer for the time being of each company of the several battalions in the said city and counties respectively, or to some other suitable person, commanding him, in the name of the commonwealth, to deliver to him or them, the said lieutenant or sub lieutenants, within ten days from and after the date of the said warrants, (unless the lieutenant or sub lieutenants shall judge a longer time to be necessary, which he or they are hereby empowered to grant) on oath or affirmation which any of them is hereby empowered to administer, a true and exact list of the names and surnames of each and every male white person inhabiting or residing within his township, borough, ward or district, between the ages of eighteen and fifty three; (delegates in congress, members of the supreme executive council, members of the general assembly, judges of the supreme court, attorney general for the state, the judge of the admiralty, treasurer of the state, sheriffs, goalers and keepers of work-houses, ministers of the gospel of every denomination, professors and teachers in the university, post-masters, and post-riders belonging to the general post-office, menial servants

of

of ambassadors or ministers and consuls from foreign courts, and of delegates in congress from other states, registered with the secretary of the supreme executive council of this state, and servants purchased *bona fide* and for a valuable consideration, only excepted.)

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of the Common-  
wealth.*

SECT. 7. *And be it further enacted by the authority aforesaid,* That the lieutenant and sub lieutenants aforesaid, shall, within five days after they shall receive the lists aforesaid, if they see cause, alter the present divisions of the city and counties respectively, and divide them into new districts, each district to contain not less than four hundred and forty nor more than one thousand, officers and privates included, at the discretion of the said lieutenants and sub lieutenants; and then sub divide the said districts into eight parts, as nearly equal as may be, paying due regard in each division to the convenience of the inhabitants: Provided always, that two thirds of the lieutenants met for the above purpose agree to such division, and that each person be annexed to the numerical class to which he formerly belonged.

Lieute-  
nants to di-  
vide and  
class the mi-  
litia.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the militia of the northern liberties of the city of Philadelphia, the district of Southwark, and the townships of Moyamensing and Passyunk, be and they are hereby united to the city of Philadelphia, to act in conjunction with the militia of the said city, and distinct from the rest of the county of Philadelphia; that they draw lots for rank in battalion, and be joined in brigade and act in every other matter that respects the militia law, as if they were inhabitants of said city, and to be under the direction of the lieutenant and sub lieutenants of the city.

Northern  
Liberties,  
&c. to join  
the city.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the lieutenant and sub lieutenants of the city of Philadelphia and districts annexed shall, out of the several battalions of the said city and districts annexed, take such a number as will compose eight companies, to form one battalion of artillery, to be officered and arrayed as follows, that is to say, one lieutenant colonel, one major, eight captains, eight captain lieutenants, eight first lieutenants, sixteen second lieutenants; the senior to bear the standard, and the junior to do the duty of conductor; paymaster, adjutant, and quarter master to be taken from the line; one surgeon, one serjeant major, five major, drum major, eight clerks, thirty two serjeants, forty eight bombardiers, forty gunners, eight drummers, eight fifers, and four hundred matrosses; and both the officers and privates of the said battalion, shall be sub-

Artillery of  
the city.

1780.

*The fourth Year  
of the Common-  
wealth.*Companies  
of artillery  
how to  
rank.Preamble  
concerning  
light horse.Lieute-  
nants of  
each county  
to form a  
troop or  
corps.Light horse  
of the city  
limited to  
fifty pri-  
vates.Light horse  
if chosen an  
officer, to

ject to the same fines and penalties for any omission of duty as the infantry: Provided nevertheless, that the persons composing the artillery heretofore formed may be permitted to continue as a part of the said battalion of artillery; and the officers shall be elected in the same manner as is directed by this act for the election of officers of the infantry.

**SECT. 10.** *And be it further enacted by the authority aforesaid,* That the several captains of the artillery battalion shall determine their rank by lot, and be numbered from one to eight in numerical order, and be subject to be drawn forth into actual service in rotation by companies, according to their number in rank, number one in rank with the first class of the militia, and so on, until all shall take their tour, or otherwise as the commander in chief of the militia shall direct.

**SECT. 11.** *And whereas* it is expedient to embody such a number of light horse as will be useful when the militia is called into actual service. Therefore,

**SECT. 12.** *Be it further enacted by the authority aforesaid,* That each of the lieutenants of the several counties of this state may form a corps of light horse, not to exceed six privates for each battalion of infantry in each county; to be taken distributively out of each, in case volunteers offer; otherwise at large throughout the county; and the light horse shall be officered as light horse usually are, and shall be subject to appear upon muster days, and shall turn out in classes as other militia; and in case any person, who shall be admitted into the said light horse, shall fail of providing himself with a suitable horse, weapons and furniture, such person shall be liable to be called out, and serve in the foot militia.

**SECT. 13.** *And be it further enacted by the authority aforesaid,* That the troop of light horse in the city of Philadelphia shall be limited to the number of fifty, exclusive of officers; the vacancies thereof to be filled in the manner heretofore practised; and the said troop shall be liable to appear on muster days, and to be called out into service as other militia; and the light horse of this state when in actual service shall be subject to the same rules and regulations as the foot militia, and to like fines and penalties for neglect of meeting on muster days or turning out on their tour when thereunto called; such fines and penalties, to be appropriated as the fines and penalties for like offences in other cases.

**SECT. 14.** *And be it further enacted by the authority aforesaid,* That if any light horseman shall be elected or appointed

appointed a commissioned officer in any battalion of infantry of his proper city or county, and on notice given him in writing by the lieutenant, shall accept thereof, his place in the said light horse shall be vacated; and any light horseman who shall be absent more than four months from his city or county shall vacate his place in the troop to which he belonged.

1780.

*Tb fourth Year  
of the Common-  
wealth.*vacate his  
place in the  
horse.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the lieutenant or sub lieutenant shall appraise the horse of each person serving as a light horseman immediately before every time of going into actual service, and enter the same in a book; and in case such horse shall be killed or die in actual service or be taken by the enemy, otherwise than by neglect, he shall be paid the value of such appraisement by an order to be drawn by the lieutenant or any two sub lieutenants on the militia fund in the hands of the treasurer for that purpose.

Horses to  
be apprais-  
ed before  
going upon  
actual ser-  
vice.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the said lieutenants shall give public notice, by advertisements at ten or more of the most public places in the said districts respectively, of the said divisions being made, and appointing a certain day for each district, not less than ten days after the said notice, and requiring the male white inhabitants between the ages aforesaid, residing in the said divisions respectively, to meet at a certain place as near the centre of the said division as may be, and then and there, between the hours of ten in the morning and six in the afternoon of the said day, to elect by ballot two field officers, that is to say, one lieutenant colonel and one major. And the inhabitants of the said subdivisions respectively shall elect by ballot as aforesaid, on the same or some other day, as soon as convenient, one captain, one lieutenant and one ensign; previous to which said election, the said inhabitants shall elect two freeholders to preside as judges thereof; and all and each of these officers respectively shall be such persons as have taken the oath of allegiance and abjuration agreeable to the laws of this state; and each captain shall appoint a suitable person for a clerk in his company; and the said lieutenant or sub lieutenant shall attend and superintend each and every of the said battalion elections, and shall cause the lieutenant colonels so elected in the city and counties respectively to meet together as soon as may be, and cast lots for rank of the battalions; and the rank of the officers in each battalion shall be determined by the lot drawn by their respective lieutenant colonels; and the captains so elected in the subdivisions shall

How com-  
manding of-  
ficers are to  
be elected;how qual-  
ified.

1780.

The fourth Year  
of the Common-  
wealth.Names of  
the persons  
chosen to  
be sent to  
the presi-  
dent and  
council.Battalion,  
&c. refusing  
to choose  
command-  
ing officers,  
the lieute-  
nant to ap-  
point.How serje-  
ants, &c. to  
be appoint-  
ed.

shall meet and cast lots for their rank in the battalion to which they belong ; and the rank of the subaltern officers in each company shall be determined by the lot drawn by their respective captains : And the said lieutenants shall, within ten days, or as soon as may be, having regard to their local situation, transmit proper certificates to the president of the supreme executive council of the names of the persons so as aforesaid elected and their rank, both of battalions and companies in the several battalions, in order that commissions may be forthwith granted to them, agreeable to the said certificates ; and elections for officers in the light horse shall be made in like manner as elections for officers in the infantry.

**SECT. 17.** *And be it further enacted by the authority aforesaid,* That if any battalion, troop or company, shall neglect or refuse to elect their officers as aforesaid, then and in such case, it shall and may be lawful for the lieutenant, with the advice and consent of two or more of the sub lieutenants of the city of Philadelphia and of such county where such neglect or refusal shall be, to nominate one reputable person to the supreme executive council, in the room of each officer so neglected to be chosen ; and the said council approving thereof shall commission the said person which shall be as effectual, to all intents and purposes, as if the said officers had been elected as before directed ; and the said lieutenant shall, as soon as may be, acquaint the parties so neglecting or refusing with the appointments so as aforesaid made. And the said several and respective officers elected or appointed as aforesaid shall serve respectively as officers of the militia for the space of three years ; at the end of which time the lieutenant of the city and counties respectively, in the manner herein before directed, shall cause a new election to be held in the said city and counties respectively ; but nothing herein contained shall be construed to render any of the former officers incapable of being re-elected.

**SECT. 18.** *And be it further enacted by the authority aforesaid,* That the commissioned officers of each company shall appoint three serjeants, three corporals, one drummer and fifer for their respective companies ; and all persons who have heretofore been officers in the militia under the late law, if not re-elected, shall deliver up their arms, accoutrements, drums, fifes and colours, if paid for by the public, to the lieutenant or sub lieutenant of the city or county aforesaid. And the lieutenant of the city of Philadelphia, and the lieutenants of the counties respectively, are hereby authorised to purchase such drums,

drums, fifes and colours, as may be afterwards wanted to supply the companies in the city and counties respectively.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the field officers of each battalion in this state, shall constitute and appoint in their respective battalions, one chaplain, one quarter master, one surgeon, one adjutant, one quarter master serjeant, one serjeant major, one drum and fife major; and the lieutenants and sub lieutenants of the city and counties respectively shall, at their discretion, furnish and procure proper carriages for the battalions or drafts of the militia, when it shall be necessary,

SECT. 20. *And be it further enacted by the authority aforesaid,* That the lieutenant or sub lieutenants of the city and counties respectively, shall pay such wages as shall be necessary to one adjutant, one quarter master serjeant and one drummer and fifer, for every day that the service may require them, out of the monies arising from fines, on the said adjutants, quarter master serjeant, drummer and fifer producing a certificate of the service so performed, from the commanding officer of the said battalion or company,

SECT. 21. *And whereas* the sums allowed by the late militia law for a drummer and fifer have been insufficient, and many officers have been obliged to pay considerably more.

SECT. 22. *Be it therefore enacted by the authority aforesaid,* That the lieutenants shall and hereby are required to pay unto such captains or commanding officers of companies such reasonable sums as they have expended for drummers and fifers, on their producing an account of such costs, properly certified.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the commissioned officers of each company of militia shall nominate and appoint one discreet person, who shall be called the almoner, residing in the district or sub division out of which their company is formed, provided such almoner is above the age of fifty three years, to take proper care of the families of such poor militia men, within their respective districts as are in actual service in their own turn, and to grant them such support as their necessities may require; provided such support do not exceed half the price of daily labour, as the same shall be ascertained as herein after is directed; and the said officers of the company, or any two of them, shall make out a certificate of their nomination and appointment, directed to the

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wealth.

Chaplain,  
quarter  
master, sur-  
geon, adju-  
tant, &c.

Adjutant,  
drum and  
fife to be  
paid.

Preamble  
concerning  
former  
drums and  
fifes.

Captains,  
&c. reim-  
bursed.

Almoner to  
provide for  
the families  
of the poor.

## HIS EXCELLENCE

1780.

*The fourth Year  
of the Common-  
wealth.**Lieute-  
nants and  
sub lieute-  
nants to  
render ac-  
counts, on  
pain of, &c.*

lieutenant of the city or lieutenant or sub lieutenants of the county to which the company belongeth; which certificate shall enable the said almoner thereby appointed, to draw from time to time on the said lieutenant or sub lieutenant, for such sum or sums of money as shall be necessary for the purpose aforesaid; and he shall render an account of the monies by him drawn to the said lieutenants.

**SECT. 24.** *And be it further enacted by the authority aforesaid,* That every sub lieutenant of the said city and several counties shall, once in every three months, render an account to his proper lieutenant of all monies received by him, and of his expenditures by virtue of this act, and settle and pay to him the balance of the same; and the lieutenant of the said city and each county respectively, shall make out compleat accounts of all the monies received by him and of his expenditures, and return the same to the supreme executive council, once in every six months; and each lieutenant and sub lieutenant is hereby empowered to employ one clerk, the better to compleat the same, and on failure of accounting as aforesaid, each lieutenant and sub lieutenant shall forfeit and pay for every such neglect, the sum of ten thousand pounds, to be applied as other fines are directed to be applied by this act.

*Rank and  
precedence  
of the city  
and coun-  
ties.*

**SECT. 25.** *And be it further enacted by the authority aforesaid,* That the precedence of the officers of the city of Philadelphia, and of the several counties in this commonwealth, shall be determined as follows; that is to say, when the commissions are of equal rank and date, the officers of the city of Philadelphia and districts annexed shall take rank or precedence of all other officers of equal rank in this state; and next to them the officers of the county of Philadelphia, and so on, according to the seniority of the counties respectively.

*Days of ex-  
ercise.*

**SECT. 26.** *And be it further enacted by the authority aforesaid,* That the whole of the militia so enrolled as aforesaid, shall be subject to be exercised in companies under their respective officers as followeth; that is to say, in the city of Philadelphia and districts annexed, in companies, on the two last Mondays in the month of April, and in battalion, on the two first Mondays in the month of May; and the first battalion shall muster in battalion, on the third Monday in May; the second battalion on the Tuesday following; the third battalion on the Wednesday, and so on, till the whole number of battalions shall have mustered, according to their numerical rank, on any or every day of the week, (Saturday and Sunday excepted) until the whole number of battalions

battalions shall have mustered in the aforesaid manner, and on the day following, should it not happen to be Saturday or Sunday, the whole number of battalions belonging to the city of Philadelphia and districts annexed, shall meet in brigade, and the militia of the city of Philadelphia and districts annexed shall meet to exercise in companies the two last Mondays in the month of August, and in battalion, on the two first Mondays in the month of September; and the first battalion, on the second Monday in the month of October, the second battalion on the Tuesday following, and the third battalion on the Wednesday; and so on until the whole number of battalions, according to their rank, have mustered, except as before excepted. And then on the day following (with the foregoing exceptions,) the whole battalions shall meet in brigade. And in each and every county in the following manner, that is to say, in companies the two last Mondays in the month of April, and the two first Mondays in the month of May; and shall begin their mustering in battalion in the following manner, to wit, the first battalion shall meet in battalion on the third Monday of the said month, the second battalion on the Tuesday following, the third battalion on the Wednesday, and so on, according to the rank of battalions in the aforesaid manner, mustering each day in the week (Saturday and Sunday excepted) until the whole number of battalions belonging to each county shall have mustered in this manner; and in companies the two first Mondays in the month of October, and the two first Mondays in the month of November; and the first battalion in battalion on the third Monday in the month of November, the second battalion on the Tuesday following, the third battalion on the Wednesday, and in this manner until the whole number of battalions belonging to each county, according to their ranks severally, shall have mustered on any day it may happen (except on a Saturday or Sunday as before excepted). And on each of the said days every militia man so enrolled shall duly attend with his arms and accoutrements in good order; and a serjeant or the clerk of each company shall at the end of one hour after the time appointed for the meeting of the company or battalion, call over the muster roll of the company, noting those who are absent; and on that day shall make return in writing to the captain or commanding officer then present of such absentees; and all persons so absent at the time of calling over the roll, or who shall depart from the parade before duly discharged, shall be liable to the fines hereafter mentioned.

SECT.

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of the Common-  
wealth.

Absentees  
to be noted  
and fined.

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of the Common-  
wealth.**Fine for ab-  
sence on  
days of ex-  
ercise.**Fines to be  
levied by  
warrant of  
lieutenant,  
and kept as  
a fund.*

SECT. 27. *And be it further enacted by the authority aforesaid,* That if any commissioned officer shall neglect or refuse to attend on any of the days appointed for exercise in companies as aforesaid, (unless prevented by sickness or some other unavoidable accident) such commissioned officer shall forfeit and pay the price of three days labour; and any non commissioned officer or private, and all enrolled persons, so refusing or neglecting (except as before excepted) shall forfeit and pay the price of one and a half day's labour; and on a brigade or battalion day a field officer shall forfeit and pay the price of six days labour, and a commissioned officer under that rank the price of four days labour, and a non commissioned officer or private, and all enrolled persons refusing to meet and exercise, the price of two days labour, (excepting as before excepted) the said prices to be ascertained as hereafter directed: The names and surnames of all which persons, so incurring the said fines and penalties, (except such as may have paid the same into the hands of the captain or commanding officer of the company,) shall be duly returned by the captain or commanding officer of each company, under his hand, together with such fine as he has received, to the lieutenant colonels or commanding officers of the battalions respectively on each field day; which said lieutenant colonel or commanding officer of the battalion shall, on receipt of such fines and returns, forthwith transmit the same to the lieutenant or one of the sub lieutenants of the county; and also a duplicate thereof to the treasurer of the county; and the said lieutenant or sub lieutenant shall, immediately after the said returns are respectively made to him, cause the same to be recovered by issuing his warrant to the sheriff, constable or other fit person that he can procure, to levy the aforesaid fines by distress and sale of the offender's goods and chattels, together with five per cent. for collecting where no distress is necessary to be made, and seven and a half per cent. in case of distress and sale, in full for his trouble for levying, selling and collecting (unless the offender shew cause of absence by sickness or otherwise, and can produce a certificate from the captain or commanding officer of the company, who may give such certificate, if he verily believes the offender ought to be excused from paying the said fines;) but if no such goods and chattels can be found, then to seize and take the body of such offender, and commit him to the common jail or some other place of close confinement, for the space of ten days for each fine, unless he sooner

socner pay the same. And the lieutenant shall, twice in every year, transmit the said fines, when collected, into the hands of the county treasurer, who shall pay the same into the hands of the state treasurer, to be kept as a fund, subject to such draughts as may be made upon him from time to time by the lieutenant or at least two sub lieutenants for the use of the militia of that county. But if the funds of any county, by the generality of their turning out should be insufficient to answere the draughts for the support of persons serving or suffering in the militia, in that case the executive council shall be impowered to draw on the funds of such other counties whose surplus may be most enabled to bear it.

SECT. 28. *And be it further enacted by the authority aforesaid,* That the treasurer of each county, and the state treasurer, shall keep all the monies arising from fines by the militia law, separate from all other monies, and keep separate books to enter the same, for the purposes herein after mentioned.

SECT. 29. *And be it further enacted by the authority aforesaid,* That whenever it may be necessary to call into actual service any part of the militia, in case of a rebellion or invasion of this or any of the adjoining states, then it shall and may be lawful for the president or vice president in council to order into actual service such part of the militia, by classes, of the city of Philadelphia, or of any county or counties, as the exigency may require. Provided, that the part so called doth not exceed four classes of the militia of the county or counties so called out : *And provided also,* That such counties shall not be again called upon to furnish any more militia until an equal number of classes of the militia of the other counties respectively be first called; unless the danger of an invasion from Indians or others should make it necessary to keep in reserve the militia of such county or counties for their own immediate defence.

SECT. 30. And to the end that the militia when called by classes shall be properly officered, the following order is hereby directed and enjoined ; that is to say,

For the first draft. The captain of the first company, the lieutenant of the second, and the ensign of the fourth.

Second draft. The captain of the second company, the lieutenant of the first, and the ensign of the third.

Third draft. The captain of the third company, the lieutenant of the fourth, and the ensign of the second.

Fourth draft. The fourth captain, the lieutenant of third company, and the ensign of the first.

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wealth.

Counties  
where fines  
are few, to  
be relieved.

Fines to be  
kept sepa-  
rate.

President,  
&c. may  
call out mi-  
litia.

Proviso.

The order  
in which  
they are to  
turn out.

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of the Common-  
wealth.

Time they  
shall serve,  
&c.

Pay of a  
private to  
be equal to  
a day's la-  
bour.

Fifth draft. The fifth captain, the lieutenant of the sixth company, and the ensign of the eighth.

Sixth draft. The sixth captain, the lieutenant of the fifth company, and the ensign of the seventh.

Seventh draft. The captain of the seventh company, the lieutenant of the eighth, and the ensign of the sixth.

Eighth draft. The captain of the eighth company, the lieutenant of the seventh, and the ensign of the fifth.

Non commissioned officers to take tour of duty with the commissioned officers.

And the field officers of battalions in the city of Philadelphia, and in each county of this state, shall be divided in like manner, and each class to be considered as a detachment from different corps, liable to serve two months and no longer, and to be relieved by the class next in numerical order, the relief to arrive at least two days before the expiration of the term of the class to be relieved; but nothing herein contained shall prevent the supreme executive council from employing or calling out part of any class or any company or companies, battalion or battalions, without respect to this rule, whenever the exigency is too sudden to allow the assembling of the scattered militia which compose the particular classes; and the service of the person so called out shall be accounted as part of their tour of duty; and the militia in actual service shall receive the same pay and rations as continental troops; their pay to commence two days before marching, and receive pay and rations at the rate of fifteen miles per day on their return home.

SECT. 31. *And whereas* the militia when called into actual service, are not entitled to any bounty, such as cloathing, at the public expence; and therefore their reward is not equal to that of the regular troops:

SECT. 32. *Be it therefore enacted by the authority aforesaid,* That when the militia or any detachment thereof are called out on duty, each non commissioned officer and private shall receive such a sum as, including the continental pay, will amount to the price of common labour for the time of service given, to be drawn from the treasurer by the paymasters of the militia from time to time appointed; and the officers, whose duty it may be, are hereby required to make out separate pay rolls of the said bounty; and that all commissioned officers shall, over and above the pay established from time to time by the honorable congress, receive the same bounty which a private shall receive.

SECT. 33. *And be it further enacted by the authority aforesaid,*

*aforesaid,* That at each quarter sessions of the peace of the city and in the several counties throughout the state the price of common labour, then current in the said city and counties respectively, shall be enquired into and ascertained; and the justices, or a majority of them, attending the said courts are hereby required to fix and determine what is the average price of common labour at that time by the day; which price, so determined by the said justices, shall be considered as a rate by which all fines shall be determined for neglects or omissions of militia duty during and from that time to the end of the next quarter sessions of the peace; and the said justices are hereby required to make out a certificate of the price so determined for the lieutenants of the said city and counties respectively, under their hands and seals.

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of the Common-  
wealth.**Price of day  
labour to be  
fixed at the  
quarter ses-  
sions, and  
become the  
rule for  
fines.**See chap-  
ter 181.*

**SECT. 34.** *And be it further enacted by the authority aforesaid,* That when any class or classes of the militia shall be called to perform any tour of duty, the lieutenant or sub lieutenant shall cause each and every person so called, to be notified of such call at least three days before the time of assembling the said militia, by a written or printed notice being delivered to him personally, or left at his house or usual place of abode, by some officer or other fit person employed for that purpose by the commanding officer of said company; and any person refusing or neglecting to perform such tour of duty shall pay for each and every day he shall so neglect or refuse, the price of one day's labour; and in case he shall be possessed of such estate as is herein after mentioned, shall pay such additional sum as by this act is further directed.

*Fine for not  
serving.*

**SECT. 35.** *And be it further enacted by the authority aforesaid,* That the master or mistress of any apprentice, and the father or mother of any minor, liable to serve in the militia, who shall refuse or neglect to attend as aforesaid, such minor being in the service of his father or mother, master or mistress, they shall be respectively accountable for the fine or fines so incurred by such minor or apprentice.

*Fathers,  
masters, &c.  
to be ac-  
countable  
for the  
fines of  
minors and  
appren-  
tices.*

**SECT. 36.** *And be it further enacted by the authority aforesaid,* That no mariner or seaman shall be subject to the fines and penalties of this act, for not performing militia duties, if such mariner or seaman is in actual employ by being shipped for a voyage, or absent at sea.

*Mariners  
excepted.*

**SECT. 37.** *And be it further enacted by the authority aforesaid,* That the militia of this state, whilst in the actual service of the united states, shall be subject to the same rules and regulations as the federal army: *Provided,* that upon

*Militia,  
while in  
the service  
of the unit-  
ed states, to*

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of the Commonwealth.**be subject  
to the rules  
of the army.*

upon any transgression or offence of a militia man, whether officer or private, against the rules and regulations of the federal army, the cause shall be tried and determined by a court martial of the militia of this state; and that it shall be in the power of the president of the supreme executive council, or in case of his absence, of the commanding officer of the militia, to mitigate, suspend or pardon, any punishment to which any militia man may be sentenced by a general court martial.

*Fines, how  
to be recov-  
ered.*

**SECT. 38.** *And be it further enacted by the authority aforesaid,* That if any delinquent shall neglect or refuse to pay the fine for an omission of performing his tour of militia duty, within five days after the appeal herein after mentioned, it shall and may be lawful for the lieutenant or any sub lieutenant to issue his warrant to the sheriff, or any constable or other fit person that he can procure, to levy the said fine, by distress and sale of the offender's goods and chattels, lands and tenements, together with seven and a half per cent. and the charges of keeping the distress, in full for his trouble for levying, selling and collecting; which said distress and sale shall be made according to the directions of the law for levying and selling goods and chattels distrained for rent; but if no such goods and chattels, lands and tenements can be found, then to seize and take the body of such offender, and commit him to the common jail or some other place of close confinement, for the space of four months, unless he sooner pays the fine; and no process shall issue to stay the execution of such warrant, unless in case of the seizure of real estates.

*Proviso.*

**SECT. 39.** *Provided always,* That if any person shall think himself aggrieved in the seizure of his lands and tenements, he may enter an appeal before the justices to the next court of common pleas for said county, and on the party's giving sufficient security, within six days next after any lands and tenements shall be seized or distrained as aforesaid, to prosecute such appeal with effect, the justices shall receive the same and stay further process; and the said justices shall return every such appeal on the first day of the next term, and the court shall direct a trial by a jury of the county as in cases of debt, whose verdict shall be final and conclusive; and except in extraordinary cases, of which the court shall judge, all such appeals shall be tried at the term to which such returns shall be made:

*Proviso.*

**SECT. 40.** *Provided also,* That in case real estate be sold as aforesaid, such sale shall be made by the sheriff of the

the county, who shall make a sufficient deed for the same, and put the purchaser into possession thereof.

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of the Common-  
wealth.**No militia  
man to  
withdraw  
himself  
from his  
company.*

SECT. 41. *And be it further enacted by the authority aforesaid,* That no militia man shall withdraw himself from the company to which he belongs, under the penalty of the value of twenty days labour, to be sued for and recovered by the commanding officer of the company from which he shall so withdraw himself, before any justice of the peace, by action of debt: Provided nevertheless, that persons removing out of the bounds of one battalion or company to another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class to which he belongs, and whether he hath served his tour of duty or not, which certificate the said militia man shall produce to the captain or commanding officer of the company in whose bounds he next settles, within ten days after his settlement, under penalty of the value of thirty days labour, to be recovered and applied as aforesaid; and the captain or commanding officer is hereby required to in-roll him in the class specified in the said certificate.

SECT. 42. *And be it enacted by the authority aforesaid,* That in all cases of doubt respecting the age of any person inrolled or intended to be inrolled in the militia, the party questioned shall prove his age, to the satisfaction of the officers of the company within the bounds of which he may reside, or a majority of them.

*Persons to  
prove their  
age.*

SECT. 43. *And whereas* it is just and reasonable that those who have considerable property, should pay for the protection of that property, when they do not give their service in facing danger in the field, or bearing any of the necessary fatigues attending a military life; and to compel all persons to give their personal service or some equivalent therefor, in some proportion to such property:

SECT. 44. *Be it therefore enacted by the authority aforesaid,* That all and every person and persons who are in and by this act required to perform a tour of duty, and have an estate, shall pay, for neglecting to perform the said tour of duty, in addition to the fine of the price of one day's labour as aforesaid, the sum of fifteen shillings in every hundred pounds on all his rateable property and occupation, in the manner directed to be ascertained by an act of assembly, passed the third day of April, one thousand seven hundred and seventy nine, intitled, "An Act to raise the supplies for the year one thousand seven hundred and seventy nine," and as may be directed to be taken by every yearly or other state tax in future.

*Persons  
having es-  
tates, shall  
pay 15s. in  
each 100l.  
over and  
above their  
other fine.*

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of the common  
wealth.How to as-  
certains such  
estate.Pay of the  
lieutenants  
and sub  
lieutenants.Substitutes  
may be  
hired.

**SECT. 45.** And in order that the lieutenant of each county may have the amount of the whole estate of each person residing in said county, although the said estate or estates may be situate in some other county or counties, that the said lieutenant may be able where the case requires it, to levy on the interest for the whole, wherefore ever lying within this state:

**SECT. 46.** *Be it further enacted by the authority aforesaid,* That the assessors of each and every county, finding any kind of taxable estate within said county belonging to persons resident in some other county within the state, shall and are hereby required to make out a list of the amount of the valuation of such estate or estates, placing the same opposite to the name of such proprietor, and once in every year send such lists to the lieutenant of the county where the owner of such estate may reside.

**SECT. 47.** *And be it further enacted by the authority aforesaid,* That the lieutenant of the city of Philadelphia and of the several counties of this state shall have and receive the value of one and a half bushels of wheat per day, and the sub lieutenants for the said city and counties shall have and receive the value of one and a quarter bushels of wheat per day, each, as the same shall be declared from time to time by the general assembly, for their trouble, and for every day in which they shall be employed, in doing and performing the respective duties required by this act; which said sum or sums shall be respectively paid unto them out of the fines incurred by this act.

**SECT. 48.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person, called to do a tour of militia duty, to find a sufficient substitute, such substitute having been previously classed at least six months in the company or battalion to which the person belongs who hires such substitute: *Provided always,* That persons serving by substitute as aforesaid, if said substitute shall be called in his own turn into actual service, before the term expires which he was to serve for his employer, that then the person procuring such substitute shall march in his said substitute's turn, or be liable to pay his fine for neglect, which fine is to be recovered as other fines for neglect of serving are by this act directed to be recovered; and that sons who are not subject to the militia law may be admitted as substitutes for their fathers; and that each substitute be approved of by the lieutenant or sub lieutenant.

**SECT. 49.** *And be it further enacted by the authority aforesaid,* That the lieutenant or one of the sub lieutenants shall,

shall, within ten and not less than five days after the marching of any part of the militia, call to his assistance two freeholders, one of whom shall be a justice of the peace, to sit, at the most convenient place for the inhabitants of their respective districts, (notice having been given of such place in the written or printed summons of every militia man) and shall there hear and determine all appeals that may be made by the persons thinking themselves aggrieved by any thing done in pursuance of this Act; and they are hereby authorized and required to grant such relief to such appellant as to them shall appear just and reasonable, in consideration of such inability of body as in the opinion of the court renders him incapable of performing military duty; and each of the said freeholders, before they shall sit on the said appeal, shall take the following oath or affirmation, viz. "That he will hear and impartially determine on the cases of appeal that may be laid before him, agreeable to law, and according to the best of his knowledge;" which oath or affirmation the said justice, lieutenant or sub lieutenant, is hereby impowered and required to administer: And the said justice and freeholder shall have and receive from the said lieutenant the value of one bushel of wheat each for every day they sit on the said appeals; and the said lieutenant and justice of the peace shall each keep a separate record of the proceedings of such court of appeals.

SECT. 50. *And be it further enacted by the authority aforesaid,* That if any person or persons shall knowingly sell, buy, take or exchange, conceal, or otherwise receive any arms, accoutrements, colours or drums, belonging to this state, or the united states, on any account or pretence whatsoever, the person so offending, being convicted thereof, before one or more justice or justices of the peace of the city or county where such offence shall be committed, shall forfeit and pay for every such offence treble the value of such arms or accoutrements, to be ascertained by the said justice or justices, and levied by distress and sale of the offender's goods and chattels by the justice or justices before whom such offender shall be convicted, returning the overplus, if any, on demand, to such offender; and for want of such distress, shall commit such offender to the common jail of the county, there to remain without bail or mainprize, for any term not exceeding three months, unless such money shall be sooner paid; and in every such case the proof of the property shall be made by the possessor of such arms and accoutrements.

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wealth.

Penalty for  
buying and  
selling  
arms, &c.

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of the Common-  
weal'th.Deserters  
from the e-  
nemy not to  
be enrolled.No civil  
proces to  
be served  
while going  
or return-  
ing from re-  
view.Monies  
arising, how  
appropri-  
ated.Support for  
wounded  
militiamen.

**SECT. 51.** *And be it further enacted by the authority aforesaid,* That no person not being a subject of this state, or any of the united states, who already has deserted or shall hereafter desert from the enemy in the course of the present war, shall be enrolled in any company of militia of this state, during the present contest, or be subject to any fine or penalty for not serving as by this act is required of others.

**SECT. 52.** *And be it further enacted by the authority aforesaid,* That no civil proces shall be served on any commissioned, non commissioned officer or private at any regimental review, or training of any company, or while going to or returning from the place of such review or training.

**SECT. 53.** *And be it further enacted by the authority aforesaid,* That all monies passing into the treasury by virtue of the directions of this act, shall be appropriated as a fund for the benefit and relief of such officers and privates of the militia of this state, as are or shall be wounded and disabled in service, and of the widows and children of such as have or shall fall in battle or otherwise lose their lives in the service of the state, and shall not be considered as a revenue for any other purpose than that of supporting the necessary officers for carrying this law into effect, equipping and furnishing the militia with every necessary apparatus for the defence and security of the state, the surplus, if any to be appropriated in such manner and to such uses as the assembly shall from time to time direct and appoint.

**SECT. 54.** *And be it further enacted by the authority aforesaid,* That if any commissioned officer, non commissioned officer or private militia man of this state, who has lost or hereafter may lose a limb in any engagement in the service of this state, or in the service of the united states of America, or be so disabled as to render him incapable of getting a livelihood, he shall receive during life, or the continuance of such disability, a pension, adequate to the necessity of such disabled officer or private militia man, by the judgment of the orphans court of the county where such disabled officer or private militia man shall dwell or reside. And every officer or private disabled as aforesaid, shall before he be legally entitled to the pension above mentioned, produce a certificate upon oath, from the commanding officer who was in the same engagement in which he was wounded, or from the commanding officer next in command, or the surgeon that attended him; and upon such disabled officer, non comissioned

mitioned officer or private militia man's producing such certificate as aforesaid to the orphans court of the county where such disabled officer, non commissioned officer or private militia man shall dwell or reside, the said court is hereby enjoined and required, if they are satisfied of the truth hereof, to give every such officer or private an order on the lieutenant of the said city or county, for such sums of money from time to time as to them shall appear just and necessary ; provided such sums of money do not exceed the half pay and rations of such officer or private : And the said lieutenant is hereby enjoined and required to accept and pay the said order, to such officer or private : And the said lieutenant shall draw on the state treasurer, as often as he shall have occasion, for such sum or sums of money as he shall make appear to the president and council to be necessary for carrying this proviso into execution.

SECT. 55. *And be it further enacted by the authority aforesaid,* That if any officer, non commissioned officer or private militia man, residing in this state, having a family, has been killed, shall be killed, or shall die of his wounds received in the service of this or the united states, a certificate from the commanding or other officer next in rank, who was in the same engagement in which he was killed or wounded and died of his wounds, being produced to the orphans court, and also a certificate from the overseers of the poor, and two other reputable freeholders of the township, borough, ward or district where the family of such deceased officer or private militia man shall dwell or reside at that time, setting forth the particular circumstances of such family, the age or ages of the child or children, and the necessity of granting them some support ; the said orphans court, when possessed of the certificates aforesaid, is hereby authorized to give orders upon the lieutenant of the city or county for such sum of money as they may think just and necessary for the support of such family from time to time.

SECT. 56. *Provided always,* That the sum of money aforesaid does not exceed the half pay and rations that such officer, non commissioned officer or private was entitled to at the time of his death. Proviso.

SECT. 57. *And be it further enacted by the authority aforesaid,* That if any field or other commissioned officer, at any regimental review, or on any other occasion, when the battalion or company to which he may belong, or in which he holds a command, is paraded in arms, shall appear, misbehave, or demean himself in an un-officer like manner

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wealth.*

Families of  
militia men  
killed in  
service, how  
supported.

Penalty on  
officers mis-  
behaving  
while on  
parade.

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of the Common-  
wealth.*

manner, he shall for such offence be cashiered or punished by fine, at the discretion of a general court martial, as the case may require, in any sum not exceeding the price of six days labour; and if any non commissioned officer or private shall, on any occasion of parading the company to which he belongs, appear with his arms and accoutrements in an unfit condition, or be found drunk, or shall disobey orders, or use any reproachful or abusive language to his officers or any of them; or shall quarrel himself, or promote any quarrel among his fellow soldiers, he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, and shall be fined in any sum not exceeding the price of ten day's labour, nor less than one day's labour.

**Penalty on  
officers ne-  
glecting to  
issue orders  
for assem-  
bling in bat-  
talion or  
company,**

**and on non-  
commissioned  
officers.**

**Penalty on  
captains for  
neglecting  
to make out  
a list of per-  
sons noticed  
to a tour of  
duty.**

**Rules and  
regulations.**

**SECT. 58. And be it further enacted by the authority aforesaid, That if the lieutenant colonel or commanding officer of any battalion shall neglect or refuse to give orders for assembling his battalion at the times appointed by this law, or at the direction of the lieutenant or sub lieutenant of the city or any county, when the said lieutenant or sub lieutenant is thereto commanded by the president or vice president in council, or in case of an invasion of the city or county to which such battalion belongs, he shall be cashiered and punished by fine at the discretion of a general court martial; and if a commissioned officer of any company shall on any occasion neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the lieutenant colonel or commanding officer of the battalion to which such company belongs, he shall be cashiered and punished by fine at the discretion of a regimental court martial; and a non commissioned officer offending in such case shall be fined in any sum not exceeding the price of ten days labour.**

**SECT. 59. And be it further enacted by the authority aforesaid, That if any captain or commanding officer of a company shall refuse or neglect to make out a list of the persons noticed to perform any tour of duty, and send or convey the same to the lieutenant colonel or commanding officer of the battalion to which such company may belong, for such neglect or refusal he shall be cashiered or fined, at the discretion of a regimental court martial**

**SECT. 60. And be it further enacted by the authority aforesaid, That the following rules and regulations shall be those by which the militia shall be governed.**

**1st. Every general court martial shall consist of thirteen members, all of whom shall be commissioned officers, and**

and of such rank as the case may require, and these thirteen shall choose a president, out of their number who shall be a field officer.

2d. Every regimental court martial shall be composed of five members, all commissioned officers, who are to choose one of their members a president, not under the rank of a captain.

3d. In any court martial, not less than two thirds of the members must agree in every sentence for inflicting any punishment, otherwise the person charged shall be acquitted.

4th. The president of each and every court martial, whether general or regimental, shall require all witnesses, in order to the trial of offenders, to declare on oath or affirmation, that the evidence they shall give is the truth, the whole truth, and nothing but the truth; and the members of all such courts shall take an oath or affirmation, which the president is required to administer to the other members, and the next in rank is required to administer to him, that they will give judgment with impartiality.

5th. All members of any militia, called as witnesses in any case before a court martial, who shall refuse to attend and give evidence, shall be censured or fined at the discretion of the court.

6th. No officer or private man being charged with transgressing these rules shall be suffered to do duty in the battalion, company or troop to which he belongs, until he has had his trial by a court martial, and every person so charged shall be tried as soon as a court martial can be conveniently assembled.

7th. If any officer or private man shall think himself injured by his lieutenant colonel or the commanding officer of the battalion, and shall upon due application made to him, be refused redress, he may complain to the lieutenant of the county, who shall summon a general court martial, that justice may be done.

8th. If any inferior officer or private man shall think himself injured by his captain, or other superior officer in the battalion, troop or company to which he belongs, he may complain to the commanding officer of the battalion, who shall summon a regimental court martial for the doing justice, according to the nature of the case.

9th. No penalty shall be inflicted at the discretion of a court martial other than degrading, cashiering or fining.

10th. The commanding officer of the militia for the time being, shall have full power of pardoning or mitigating

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wealth.*

ing any censures or penalties ordered to be inflicted on any private or non commission'd officer for the breach of any of these articles by a general court martial; and every offender, convicted as aforesaid by any regimental court martial, may be pardoned, or have the penalty mitigated by the lieutenant colonel or commanding officer of the battalion, excepting only where such censures or penalties are directed as satisfaction for injuries received by one officer or private man from another; but in case of officers, such sentence to be approved by the commander in chief or the nearest general officer of the militia, who are respectively empowered to pardon or mitigate such sentence or disapprove the same.

11th. The militia on the days of exercise may be detained under arms on duty in the field any time not exceeding six hours, provided they are not kept above three hours under arms at any one time, without allowing them a proper time to refresh themselves.

12th. No company or battalion shall meet at a tavern on any of the days of exercise, nor shall march to any tavern before they are discharged; and any person who shall bring any kind of spirituous liquor to such place of training shall forfeit such liquors so brought for the use of the poor belonging to the township where such offender lives.

Fines, how  
to be paid  
in.

13th. All fines that shall be incurred by any breach of these rules shall be paid into the hands of the clerk of the company to which the offenders belong, but if a field officer, to the clerk of that company whose captain has the first rank in the battalion, within three weeks after they become due; but in case of neglect or refusal to pay any of the said fines, then in such case, upon application made by the clerk to whom such fine or fines ought to have been paid, it shall and may be lawful for any one justice of the peace of the county (if the fines do not exceed fifty pounds, or two justices, if above that sum) by warrant under his or their hands and seals, to levy such fine or fines respectively on the offender's goods and chattels, and otherwise proceed in recovering the same as is by law directed. And when recovered, the said justice or justices are required to pay such fines into the hands of the clerk who applied for recovery and shall be applied as other fines before directed.

How service  
is to be paid  
for where  
no special  
recompence  
is provided.

SECT. 61. *And be it further enacted by the authority aforesaid,* That in any case wherein any person is by this act called to do or perform any thing in execution thereof, or otherwise, and no special recompence is herein provided for

for such service, such person shall be satisfied for the same, at the discretion of the lieutenant, taking to his assistance two sub lieutenants of the city or county respectively.

**SECT. 62.** *And be it further enacted by the authority aforesaid,* That in any case wherein the person, who shall be authorised to collect any fine due by virtue of this act, shall need assistance, in levying the same, such collector, on application to any captain, or inferior officer of the militia of the place where such fine shall be due, shall be assisted therein by a sufficient party of militia of the neighbourhood, ordered on such duty by such captain or other officer ; and if such captain or other officer, or any of the party by such captain or other officer ordered on such duty, refuse or neglect to perform the said duty, such captain or other officer shall forfeit and pay the sum of fifty pounds ; and if any non commissioned officer or private be delinquent therein, he shall forfeit and pay the sum of twenty five pounds, to be recovered, with costs of suit, as demands for fifty pounds are by law recoverable ; to be applied as other fines levied by virtue of this act.

**SECT. 63.** *And be it further enacted by the authority aforesaid,* That in case any militia man shall desert when he is out on a tour of duty, the commanding officer of the battalion or detachment from which he deserts, shall as soon as possible, give notice thereof to the lieutenant of the city or county, or sub lieutenant of the district from which he came, who, if he does not see proper to send him back, shall subject him to the payment of such fine as he would have paid if he had not gone out on such tour.

**SECT. 64.** *And be it further enacted by the authority aforesaid,* That if any suit or suits, shall be brought or commenced against any person or persons, for any thing done in pursuance of this act, the action shall be laid in the county where the causes of such action did arise, and not elsewhere. And the defendant or defendants in such action or actions to be brought may plead the general issue, and give this act and the special matter in evidence ; and if the jury shall find for the defendant or defendants in such action or actions, or if the plaintiff or plaintiffs shall be nonsuited or discontinue his or their action or actions, after the defendant or defendants shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same, as any de-

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wealth.

Militia to  
assist in col-  
lecting fines  
where ne-  
cessary.

Penalty for  
neglect or  
refusal.

Deserters,  
how pro-  
ceeded with.

Suits shall  
be brought  
in the coun-  
ty where  
the offence  
shall be  
committed.  
Defendants  
may plead  
the general  
issue, and  
give this act  
in evidence.

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of the Common-  
wealth.Manner in  
which fines  
shall be re-  
covered.

fendant or defendants had or have in other cases to recover costs by law.

**SECT. 65.** *And be it further enacted by the authority aforesaid,* That all and every the fines and forfeitures, by this act made payable, and the mode of recovery not herein before particularly pointed out, shall be recovered by the lieutenant of each county, and of the city of Philadelphia, by summons or warrant and execution from under the hand and seal of a justice of the peace, in the neighbourhood where the person charged resides, directed to any constable of the city or county, requiring him to levy the same on the goods and chattels of the delinquent, and the same cause to be appraised by two freeholders, and after being publicly advertised seven days, make sale thereof, and after payment of the fine or the forfeiture to the lieutenant, together with costs and charges, pay the overplus, if any, to the owner; and if goods and chattels sufficient to discharge the same cannot be found, that then the justice, granting such precept, shall certify the proceedings had thereon, to the prothonotary of the county court of common pleas, who, is thereupon required, to issue a fieri facias, directed to the sheriff of said county, for the levying the fines and forfeitures aforesaid, together with the costs on the lands or tenements of such delinquent.

**Proviso for  
appeal.**

**SECT. 66.** *Provided always, and be it enacted by the authority aforesaid,* That if any person or persons shall think him or themselves aggrieved by the judgment of the justice aforesaid, in any suit of fifty pounds or upwards, he or they may appeal before the justice aforesaid, and on the party's giving security, within six days next after any such judgment, to prosecute such appeal, in the court of common pleas of the county with effect, the justice shall receive the same, and stay further process, and the said justice shall return every such appeal on the first day of the next term, and the court shall direct a trial by jury, as in other cases of debt, whose verdict shall be final and conclusive, and all such appeals shall be tried at the term, to which such returns shall be made; any law, custom or usage, to the contrary notwithstanding.

**Repeal of  
sundry for-  
mer acts.**

**SECT. 67.** *And be it further enacted and declared,* That the act entitled, "*An Act to regulate the militia of the commonwealth of Pennsylvania,*" passed on the seventeenth day of March, anno domini one thousand seven hundred and seventy seven; also the supplement to the said act passed June the nineteenth, anno domini one thousand seven hundred and seventy seven; also a further supplement

supplement to the said act, passed on the thirteenth day of December, anno domini, one thousand seven hundred and seventy seven; also a further supplement to the said act, passed on the fifth day of April, anno domini, one thousand seven hundred and seventy nine; also such parts of an act intitled, *An Act to impower the supreme executive council, and justices of the supreme court, to apprehend suspected persons, and to increase the fine to which persons are liable, for neglecting to perform their tour of militia duty;* as relates to the fining the militia for not performing a tour of duty, and the pay of the lieutenants, are hereby repealed and made void.

SECT. 68. *Provided always,* That nothing in this act contained shall be deemed to repeal, alter or dispense with the powers, authorities or duties of the present lieutenants and sub lieutenants of the city and counties aforesaid, or of any other officer or person under the militia laws that have been in force in this state immediately before the passing of this act, until their respective offices are supplied and filled by new appointments in virtue of this act; which said present lieutenants and sub lieutenants, or other proper officers, are hereby authorised, required and enjoined to collect or cause to be collected all such fines and forfeitures as have been or shall be incurred during the continuance of their respective commissions, and pay in the same agreeable to this law, or the late laws aforesaid, on or before the first day of July next. But in case the president or vice president and council shall approve of the discontinuing to act or resignation of the said present lieutenants and sub lieutenants, or any of them, and not otherwise, it shall be lawful for every such officer, and he is hereby required, to deliver to his successor in office an account, on oath, of all monies uncollected and outstanding on account of fines and forfeitures aforesaid, who is in such case empowered and required to collect the same.

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of the Common-  
wealth.

Proviso.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
20th day of March, A. D. 1780.*  
THOMAS PAINE, clerk of the general assembly.

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## CHAPTER CLXVIII.

*An ACT to discontinue a road called Palmer's lane, in the township of the Northern Liberties, in the county of Philadelphia, and near to the lower falls of Schuylkill.*

Preamble.

SECTION 1. WHEREAS it has been represented to us, on the petition of John Redman, of the city of Philadelphia, practitioner in physic, and Nathaniel Falconer of the same place, mariner, that in the year one thousand seven hundred and twenty three, four, a road was laid out from the market place in Germantown, in the county of Philadelphia, to Robert Roberts's ferry, on the river Schuylkill, which entered the lands then owned by William Palmer, and since by said John Redman, and Nathaniel Falconer, at the north west end of the same, and from thence running south and by east fifty two perches, then south twelve degrees west, twelve perches, then south thirty six degrees west, twenty perches, then south sixty one degrees west, twenty perches, then south thirty two degrees west, twenty eight perches, making in the whole one hundred and thirty-two perches in length.

SECT. 2. *And whereas* another road was laid out in the year one thousand seven hundred and sixty, on the petition of divers inhabitants of Germanton and Blockley township, in the laid county of Philadelphia, forty feet wide, extending from the place where the aforesaid road enters the lands then owned by William Palmer, and since by John Redman and Nathaniel Falconer, aforesaid, running by several courses one hundred and thirty three perches and an half in length, at which distance it enters the Willahicon road, leading either to the city of Philadelphia, or to the falls of Schuylkill.

SECT. 3. *And whereas* it has been further represented to us, by the aforesaid John Redman and Nathaniel Falconer, that the supervisors of the highways neglect or refuse to keep the first mentioned of the above said two roads in repair, alledging, that it is but of little public use, whereby the owners of the lands through which it passes are frequently obliged to repair it at their own expence, to prevent their lands being cut and injured by such carriages as may at times pass through the same.

SECT. 4. *And whereas* the unnecessary multiplying of roads not only tends to increase the expences of the highways, but is likewise a waste of land which might otherwise be employed to the raising of produce.

Road va-  
cated.

SECT. 5. *Be it therefore enacted, and it is hereby enacted,*  
*by*

by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the publication of this act, the first mentioned of the two above said roads be discontinued and abolished.

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JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, the 20th day  
of March, A. D. 1780.

THOMAS PAINE, clerk of the general assembly.

### C H A P T E R CLXIX.

An ACT to repeal divers acts of assembly of this commonwealth herein after mentioned, for preventing forestalling and regrating, and for the encouragement of fair dealing; and an act entitled "An Act to permit the making of whiskey and other spirits from rye, barley, or the malt made thereof, under certain restrictions therein mentioned; and to prohibit the distilling any whiskey or other spirits, from any other grain, meal, malt or flour.

SECTION 1. WHEREAS the operations of an act of assembly of this commonwealth, passed on the second day of January, which was in the year of our Lord, one thousand seven hundred and seventy eight, intitled, "An Act to prevent foretelling and regrating, and to encourage fair dealing," and a supplement and further supplement to the same act, passed on the first day of April, and tenth day of September following; and another act of assembly intitled, "An Act for the more effectually preventing engrossing and foretelling, for the encouragement of commerce and the fair trader, and for other purposes therein mentioned," passed on the eighth day of October last, and another act of assembly intitled, "An Act to permit the making of whiskey and other spirits from rye, barley, and the malt made thereof, under certain restrictions therein mentioned, and to prohibit the distilling any whiskey or other spirits from any other grain, meal malt or flour," passed on the eighth day of October last, have not been found to answer the good purposes for which they were made, and have produced some inconveniences, so that it appears to be of no public advantage that they should continue in force.

SECT. 2. Be it therefore enacted, and it is hereby enacted, Sundry former acts repealed.  
5 B

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by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said recited acts, and every clause, matter and thing therein contained, be, and the same are hereby repealed and made void.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday,*  
*the 22d day of March, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

## CHAPTER CLXX.

*An ACT for procuring a supply of provisions and other necessaries for the use of the army.*

Passed March 23d, 1780. Recorded in Law Book Vol. I. Page 385, &c,  
Obsolete.

## CHAPTER CLXXI.

*An ACT further to continue such parts of an act intitled, "An Act to impower the supreme executive council and justices of the supreme court to apprehend suspected persons, and to increase the fines to which persons are liable for neglecting to perform their tour of militia duty," as relates to the apprehending of suspected persons.*

Passed March 24th, 1780. Recorded in Law Book Vol. I. Page 387, &c.  
Expired.

## CHAPTER CLXXII.

*An ACT for striking the sum of one hundred thousand pounds in bills of credit, for the present support of the army, and for establishing a fund for the certain redemption of the same, and for other purposes therein mentioned.*

Preamble.

SECTION I. WHEREAS every motive and consideration which can interest the citizen and patriot, do call upon the representatives of the freemen of this commonwealth to find efficacious and certain means of procuring and providing an immediate supply of

of provisions and other articles for the support of the army.

SECT. 2. *And whereas* as well for this purpose as for supplying the good people of Pennsylvania with a medium of commerce and exchange of commodities, of a stable and solid nature, from the want of which they already suffer, and if the same be not remedied may soon be involved in great difficulties:

SECT. 3. *And whereas* in the embarrassments of trade occasioned by the present war, it is not to be expected that sufficient quantities of gold and silver money can be procured or retained in this state, for the purposes of private dealing or public purchases, and this commonwealth is possessed of a very considerable real estate which may, and part of which ought to be considered and pledged as a fund of credit for relieving the public necessities, and supplying the treasury at this important crisis.

SECT. 4. *Be it therefore enacted, and it is hereby enacted,* Quantity of  
the emission.  
*by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That bills of credit, to the value of one hundred thousand pounds, shall be prepared and printed on good strong paper, under the care and direction of Michael Shubart, John Biddle, Paul Cox and Isaac Snowden, of the city of Philadelphia, gentlemen; the cost and expence whereof shall be paid by the treasurer of this commonwealth out of any unappropriated monies in his hands, and the said bills of credit shall be prepared and made in the manner and form following, that is to say,

Pennsylvania.

This bill of Form of  
the bills. shillings, with annual interest, at five per cent. shall be redeemed first June, one thousand seven hundred and eighty four, in silver dollars, at seven shillings and six pence each, by the sale of land, according to act of assembly of twenty fifth of March, one thousand seven hundred and eighty, dated April 1780.

And the said bills shall have the state arms as an escutcheon in the margin thereof, with such other devices as the said Michael Shubart, John Biddle, Paul Cox and Isaac Snowden shall think proper, in order to prevent counterfeits, and to distinguish their several and respective denominations, each of which bills shall be of the several and respective denominations following and no other, that is to say;

Eight thousand six hundred and ninety six of the said bills the sum of five shillings each. Number of  
the bills.

Eight

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wealth.*

Eight thousand six hundred and ninety six of the said bills the sum of ten shillings each.

Eight thousand six hundred and ninety six of the said bills the sum of fifteen shillings each.

Eight thousand six hundred and ninety six of the said bills the sum of twenty shillings each.

Eight thousand six hundred and ninety six of the said bills the sum of thirty shillings each.

Eight thousand six hundred and ninety four of the said bills the sum of forty shillings each.

Eight thousand six hundred and ninety six of the said bills the sum of fifty shillings each.

Eight thousand six hundred and ninety six of the said bills the sum of sixty shillings each.

And the said Michael Shubart, John Biddle, Paul Cox and Isaac Snowden shall use their best care, attention and diligence, during the printing of the said bills, that the number and the amount thereof, according to the said several denominations, be not exceeded, nor any clandestine or fraudulent practices, used by the printer, his servants or others.

Signers  
names.

Their oath.

**SECT. 5.** And, for perfecting the said bills according to the true intent and meaning of this act, *Be it enacted by the authority aforesaid*, That the said bills shall be signed by two of the persons hereafter named, that is to say, Daniel Wister, Levi Budd, Philip Bæhm, Robert Cather, Jedediah Snowden, William Lawrence Blair, Elias Lewis Treachel, John Miller, Joseph Watkins, John Knox, Nathan Jones and William Thorne, who are hereby nominated and appointed signers thereof, and who shall, before they receive or sign any of them take an oath or affirmation to the effect following ; “ That they shall well and truly sign and number all the bills of credit that shall come to their hands for that purpose, according to the directions of this act, and the same so signed and numbered will re-deliver, or cause to be re-delivered unto the said Michael Shubart, John Biddle, Paul Cox and Isaac Snowden, or any of them, pursuant to the directions of this act.”

In what  
manner the  
bills shall  
be deliver-  
ed out to be  
signed.

**SECT. 6.** And to avoid the danger of embezzlement, or misapplication of any of the said bills of credit, *Be it further enacted by the authority aforesaid*, That the said Michael Shubart, John Biddle, Paul Cox and Isaac Snowden, after the said bills shall be printed, shall deliver from time to time, so many of them to the signers aforesaid, to be signed and numbered by parcels as they shall judge proper ; for which the said signers or some of them shall give their receipts ; that is to say, that not more than

than three thousand pounds of the said bills shall remain in the hands of any two of such signers at the same time, and so from time to time, till the whole of the said bills be signed; of all which bills of credit so delivered to be signed and numbered as aforesaid a true account shall be kept by the signers, who upon re-delivery of each or any parcel of the said bills by them signed and numbered shall have the receipt of the said Michael Shubart, John Biddle, Paul Cox or Isaac Snowden to charge them befoer any committee of assembly appointed to inquire into the same.

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wealth.*

**SECT. 7.** And each of the said signers shall have ten shillings for every thousand of the said bills by them signed and numbered, and no more. And the said Michael Shubart, John Biddle, Paul Cox, and Isaac Snowden, shall severally receive ten shillings per diem, for every day they shall be employed in the said busines, and the treasurer of this state shall, for receiving and paying, have and receive ten shillings per hundred pounds, for his care and trouble, to be paid out of the monies struck by virtue of this act.

**SECT. 8.** *And be it enacted by the authority aforesaid,* That the bills of credit hereby directed to be prepared and made, as fast as the same shall be signed, numbered and perfected as aforesaid, shall be delivered to the said treasurer by the said Michael Shubart, John Biddle, Paul Cox and Isaac Snowden, or any of them, who shall give his receipt or receipts for the same, and shall issue and pay the same according to the draughts of the president or vice president in council for the purposes herein after mentioned.

Bills to be  
delivered  
into the  
treasury as  
fast as com-  
pleted.

**SECT. 9.** And in order that the holders of the bills of credit to be struck and emitted by virtue of this act, which bills are hereby declared to be at the rate of seven shillings and six pence for a milled dollar of the Spanish colonies in America, weighing seventeen pennyweights and six grains, may have the fullest and most perfect assurance that the same bills shall be redeemed, together with an annual interest of five per centum, on or before the first day of June, one thousand seven hundred and eighty four, at the full price at which they are delivered out in pursuance of this act, without any deduction or delay.

Legal  
value.

**SECT. 10.** *Be it enacted by the authority aforesaid,* That together with the guarantee of the honour and faith of Pennsylvania, which is hereby given, so much and such part of the lots and lands lying and being within the ci-ty of Philadelphia, belonging to the commonwealth, and the tract of land known by the name of the Province

Fund and  
mode of re-  
demption.

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wealth.Mode of re-  
demption  
continued.

Island, situate in the township of Kingessing, in the county of Philadelphia, shall be, and hereby are pledged and declared to be the fund, out of which the bills of credit aforesaid, to the amount of one hundred thousand pounds, and the interest aforesaid, shall be redeemed and canceled within the term aforesaid.

*SECT. 11.* And be it further enacted by the authority aforesaid, That for this purpose within the term aforesaid, the president or vice president in council shall expose to public sale and sell such and so many of the said lots and lands in the said city, and the said island, except the hospital erected on the said island, and six acres of land thereto appurtenant and adjacent, and on payment of the purchase money shall make good and effectual grants for the same, under the great seal, in fee simple, to the purchasers thereof, without other reservation than one acorn out of each grant if demanded. And the said president or vice president in council shall receive in payment for such real estates, so sold as aforesaid, the bills of credit issued by virtue of this act, or such Spanish milled dollars as aforesaid, or any equal sum in gold or silver, and no other money whatever; and with the gold and silver so received shall redeem the said bills of credit, and all of them which shall be brought in within nine months after the same shall be called in by public notice, published and continued for and during four weeks, in the public news papers of this and the adjoining states.

Application  
of the bills.

*SECT. 12.* And be it further enacted by the authority aforesaid, That the said bills of credit shall be and hereby are appropriated towards procuring, purchasing and collecting wheat, flour and other goods, directed to be purchased in and by an act of this session of assembly, intitled "An Act for procuring a supply of provisions and other necessaries for the use of the army," and for such other uses and purposes as shall be necessary for the support of the army.

*SECT. 13.* And whereas it has been the earnest desire of the good people of Pennsylvania, that all possible justice should be done to the possessors of the bills of credit, which have been issued by the honourable congress, and to the public creditors who have advanced great sums of money on loan, but the attainment thereof has not been within the reach of any particular state.

Declaration  
in behalf of  
Pennsylva-  
nia, respect-  
ing the con-  
tinental  
bills of cre-

*SECT. 14.* It is therefore declared by the representatives aforesaid, on behalf of Pennsylvania, that this state will most chearfully concur in and adopt such reasonable and salutary measures, as may be proposed by congress and adopted

adopted by the several states, for the funding and redemption of its full proportion and share of the bills of credit and loan office certificates, which have been issued by congress.

**SECT. 15.** *And whereas* the honourable the congress, by their act of the twenty fifth day of February last, have determined to leave in the treasury of the several states two third parts of the taxes by them called for, to be raised monthly for eight months, in the year one thousand seven hundred and eighty, in order to enable the said states, to purchase certain supplies of provisions and other goods, apportioned on and requested of the said states respectively for the public service; and the money arising thereon, amounting to near twelve millions of dollars, will not be necessary for that purpose, in case such supplies can be otherwise procured.

**SECT. 16.** *Be it therefore enacted by the authority aforesaid,* That the bills of credit of the united states of America, which shall come into the hands of the treasurer of this state, in payment of the said two thirds of the state taxes to be levied monthly for eight months, in the year one thousand seven hundred and eighty, and bills of credit issued by congress, equal to the amount of the two thirds of such taxes, shall not be again issued, but shall be detained in the said treasurer's hands, subject to the directions of the house of assembly.

**SECT. 17.** *And be it further enacted by the authority aforesaid,* That from and after the publication of this act, if any person or persons shall within this state or elsewhere, prepare, engrave, stamp, forge or print the counterfeit resemblance of any paper bills of credit which shall be issued, emitted and made, in virtue of this act; or shall counterfeit or sign the name or names of the signer or signers of the said bills of credit, to such counterfeit bills of credit, with an intention that such counterfeit bills of credit shall be passed in payments, or received as genuine and good bills, whether the same be so passed or received or not; or if any person or persons shall in this state, pass, pay or tender in payment, any such counterfeit money, or deliver the same to any other person or persons, with an intention that they be passed, paid or received, as, and for good and genuine, knowing the same to be forged or counterfeited, every such person, being thereof legally convicted or attainted in any court of oyer and terminer within this state, by verdict of a jury, or confession of the party offending, or being indicted thereof, shall stand mute, or not directly answer to the indictment, or shall peremptorily

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dit and loan  
office certi-  
ficates.

Penalty for  
counter-  
feiting, &c.

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peremptorily challenge more than the number of twenty persons, legally returned to be of the jury for the trial of such offender, shall be adjudged a felon, and shall suffer death without benefit of clergy. And if any person or persons shall counterfeit any of the said bills of credit, by altering the denomination thereof, with design to increase the value of such bills, or shall utter such bills knowing them to be so counterfeited or altered as aforesaid, and shall be thereof legally convicted in any court of record in this state, such person or persons shall be sentenced to the pillory, and have both his or her ears cut off and nailed to the pillory, and be publicly whipped on his or her bare back with thirty nine lashes well laid on ; and moreover, every such offender shall forfeit the sum of two thousand pounds, lawful money of Pennsylvania, to be levied on his or her lands and tenements, goods and chattels, the one moiety to the use of the state, and the other moiety to the discoverer ; and the offender shall pay to the party grieved double the value of the damages thereby sustained, together with the costs and charges of prosecution ; and in case the offender hath not sufficient to satisfy the discoverer for his or her damages and charges, and to pay the forfeiture aforesaid, in such case the offender shall, by order of the court where he or she shall be convicted, be sold as a servant for any term not exceeding seven years, for satisfaction.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the  
25th day of March, A. D. 1780.  
THOMAS PAINE, clerk of the general assembly.*

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wealth,

# LAW S

Enacted in the third fitting of the fourth general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, on *Wednesday*, the tenth day of *May*, in the year of our Lord 1780.

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## C H A P T E R CLXXIII.

*An ACT for the greater ease of the militia, and the more speedy and effectual defence of this state.*

Passed May 26th, 1780. Recorded in Law Book Vol. I. Page 390, &c.  
Obsolete.

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## C H A P T E R CLXXIV.

*A supplement to an act intitled, "An Act to compel the settlement of the public accounts," and for other purposes therein mentioned.*

SECTION I. WHEREAS by an act intitled, "An Preamble.  
" Act to compel the settlement of the  
" public accounts," passed on the first day of March last,  
it is enacted, "That in any case wherein it shall appear  
" that a balance of monies shall be due by any person or  
" persons to this commonwealth, the said auditors or any  
" two of them, shall direct that payment thereof be made  
" to the treasurer of this state; and the certificates of the  
" said auditors, or any two of them, shall be conclusive  
" evidence in an action of debt at the suit of the com-  
monwealth against any person or persons of the sums  
" of money which such person or persons owe, or  
" may be indebted to the commonwealth, and no set off

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wealth.**Persons in-  
debted to  
the com-  
monwealth,  
and ne-  
glecting  
payment,  
how pro-  
ceeded  
with.*

"or deduction from the same shall be admitted;" by which manner of recovering such balance of monies due to this commonwealth great delays may be occasioned: Therefore,

*SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That where a balance of monies shall be due by any person or persons to this commonwealth, the auditors appointed by the above mentioned act, or any two of them, shall grant execution thereupon directed to the sheriff of the city or county, where the defendant, or person from whom a balance of such monies shall be due to this state shall be or reside, or where such person or persons, lands or tenements shall lie, commanding the said sheriff to levy the said debt or balance due and costs on the defendants goods and chattels lands and tenements, who by virtue thereof shall expose the same to sale by public vendue; returning the overplus, if any, to the defendant; and for want of such sufficient distress, to take the body of the said defendant, and him safely to keep in the common jail of the city or county where such defendant shall be found, until the said sum of money with costs be paid.*

*SECT. 3. And whereas the fines imposed by law on delinquent collectors of public taxes have been found to be insufficient, and the collectors of fines incurred by the non performance of militia duties are not subject to any penalty for neglects or omissions: Therefore,*

*Penalty on  
commis-  
sioners, asse-  
ssors, &c.  
neglecting  
their duty,*

*SECT. 4. Be it enacted by the authority aforesaid, That if any person appointed or to be appointed collector of any state, county or other public tax imposed by any law of this state now in force, shall after notice of his appointment, refuse or neglect to do and perform the duties required of him by such law, then and in such case, the commissioners and assessors of the city or county, where such neglect or refusal shall happen, or a majority of them, shall fine such delinquent collector in any sum not less than five hundred pounds, nor more than one thousand pounds, to be recovered and applied as other fines are directed by the law under which such collector doth act; and the said commissioners and assessors shall appoint other collectors in the room and stead of such delinquents.*

*SECT. 5. And whereas the present allowance of two dollars for every hundred pounds which was allowed the county treasurers by an act of assembly, intituled, "An Act*

*"for*

"for raising the additional sum of five millions seven hundred thousand dollars, for the current year, one thousand seven hundred and seventy nine," passed the tenth day of October, one thousand seven hundred and seventy nine, is not sufficient for their services and risk.

SECT. 6. *And whereas* the exigencies of the times require their making more frequent payments into the state treasury; and it is just and proper to enable them better to bear the expences of travelling.

SECT. 7. *Be it enacted by the authority aforesaid,* That they shall and are hereby allowed two dollars, in addition to the former allowance, made by the act intitled, "An Act for raising the additional sum of five millions seven hundred thousand dollars, for the current year one thousand seven hundred and seventy nine," and the same allowance of two dollars in every one hundred pounds is hereby given to them, for receiving and paying all the monies collected by the monthly taxes, now ordered to be levied and collected. And to encourage the collectors to be very diligent and spend the whole of their time in that service,

SECT. 8. *Be it enacted by the authority aforesaid,* That the collectors of the five millions seven hundred thousand dollars tax, and all the monthly taxes be allowed the further sum of six pence in the pound, in addition to that already allowed.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if any person whose duty it may be to collect the fines incurred by the neglect or non performance of militia duties, as required by the militia law of this state, shall refuse or neglect to do and perform all or any of the duties required by the said law, or shall refuse or neglect to settle his duplicate and pay the monies due to the lieutenant or sub lieutenants, agreeably to the direction of his warrant, within ten days after being required by the said lieutenant or sub lieutenants, then, and in such case, the lieutenant or sub lieutenants of the city or county where such neglect or refusal shall happen, with the assistance of two justices of the peace of the said city or county, shall fine such delinquent collector in any sum not less than five hundred pounds, nor more than one thousand pounds, to be recovered and applied in the same manner as other fines are directed to be recovered and applied by the said law.

SECT. 10. *And whereas* the collecting of the taxes already laid, or to be hereafter assed or laid, on account of the want of a sufficient quantity of cash among the poorer people

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wealth.

Penalty for  
neglecting  
to collect  
militia  
fines.

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of the Common-  
wealth.Taxes may  
be received  
in kind;how paid  
in;and how  
accounted  
for.

of this state, and such as live at great distances from market may greatly distress such people: Therefore,

SECT. 11. *Be it enacted by the authority aforesaid,* That the commissioners of purchases for this state shall, for their respective city or counties, appoint a mill or other fit place or places in each township or district of this state, with a suitable person at such mill or place, to receive wheat, flour and other supplies for the army, and also give notice to the treasurer of each county in writing of the name of the person and place or places so appointed.

SECT. 12. *And be it further enacted by the authority aforesaid,* That such of the inhabitants of this state, as shall carry their wheat, flour or other supplies for the army, to the said mill or other place so appointed, and sell the same to the commissioner of purchases or to the person aforesaid, duly appointed by such commissioner, his receipt shall be received by the collector of such township or district, in discharge of the public taxes hereafter to be paid.

SECT. 13. *And be it further enacted by the authority aforesaid,* That notes or certificates which remain unpaid signed by the commissary general of purchases, or quarter master general, or by their agents or persons appointed by them, to purchase articles or supplies for the army of the united states, shall be received by the collectors of the several townships and districts of this state, in the payment of any state or continental tax due to the first day of March last, from the persons in whose names they have been given, and the county treasurers shall receive the same in such payment as aforesaid from such collector, Provided the persons paying in the said notes or certificates indorse the same to the collectors who receive them, and also take an oath or affirmation before a magistrate, that they have been obtained for the value and the articles therein expressed, and delivered for the use of the united states, and for which no payment hath been made, which oath or affirmation shall be indorsed on each note or certificate.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any such note or certificate held by any person, shall exceed the amount of the taxes due from such person at the time they are paid in, the collector of the said tax shall give his receipt to the person paying in such note or certificate for the surplusage thereof, and the said receipt shall be a discharge for so much of his further state

state taxes as the same with interest at six per cent. until discounted shall amount to.

**SECT. 15.** *Provided always,* That such receipt correspond with the entry which shall be made thereof in the said treasurers books, who is hereby enjoined and required on receiving such notes or certificates from the said collectors, to keep a fair and true record of all such sums as they may contain, over and above the amount of the tax charged against such person in whose favour they have been received, noting also the name of such person and shall discount the amount of such surplus with the interest thereon, to the collector of the next or other subsequent state tax in whose tax roll such person shall be charged.

**SECT. 16.** *And be it further enacted by the authority aforesaid,* That the state treasurer shall receive such notes and certificates so indorsed as above from the county treasurers, and shall deliver them to the principal of the respective departments from whom payment is due, or to their agents in the city of Philadelphia, and shall take receipts from the said principals or from their agents, making their principals accountable for the amount of the notes or certificates paid in as aforesaid, with the interest thereon allowed and due, and shall lodge the same with the board of treasury, that this state may have proper credit for the same.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Tuesday, the  
30th day of May, A. D. 1780.  
THOMAS PAINE, clerk of the general assembly.

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### CHAPTER CLXXV.

*A further supplement to an act, intitled, "An Act for regulating and continuing the nightly watch; enlightening the streets, lanes and alleys in the city of Philadelphia, and for other purposes therein mentioned; and to an Act which is a supplement thereto, passed in the year of our Lord, one thousand seven hundred and seventy six.*

**SECTION 1.** WHEREAS by an act, as a further Preamble, supplement to the aforesaid acts of general assembly, passed the fifth day of April, in the year of our Lord one thousand seven hundred and seventy nine, by reason of the increase of watchmen and work-

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men's wages, excessive high price of oil and materials, it was found expedient and necessary, that further provision should be made, to enable the wardens and assessors of the city of Philadelphia, to raise and levy an additional tax, not exceeding six pence in the pound, on the inhabitants, and on all the estates, real and personal, and to authorize their treasurer to receive the rents and income of the market houses, ferries, wharves, and public landing places, within the bounds and limits of the said city, to the end, the difficulties under which the wardens then laboured, might be in some measure removed, and the nightly watch, so necessary, might be kept up and continued: And as the said recited act expires with the present sitting of the general assembly, the same difficulties would again occur: For remedy whereof,

*Power of  
the war-  
dens to let  
and assess.*

SECT. 2. *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for the wardens of the said city, to let or demise the market houses, ferries, wharves, and public landing places; and they, with the assessors of the said city, to raise and levy an additional rate, not exceeding six pence in the pound, on the inhabitants, and on all estates real and personal, and taxables within the city of Philadelphia; to be levied and collected in the same manner, by the same persons, and for the same uses as directed in and by two several acts of general assembly, the one passed the ninth day of March, in the year of our Lord one thousand seven hundred and seventy one; and the other passed the sixth day of April, in the year of our Lord one thousand seven hundred and seventy six, for regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia, and for other purposes therein mentioned, over and above the rates and sums of money thereby authorised to be raised, levied and collected; and to authorise their treasurer to receive the rents of the market houses, ferries, wharves and public landing places, and all other the incomes, fines, forfeitures and emoluments, which were formerly received by the treasurer of the mayor and commonalty of the city of Philadelphia.

*Duty of the  
clerk of the  
market.*

SECT. 3. *And be it enacted by the authority aforesaid,* That the clerk of the market, for the time being, shall collect the rents of the market houses, stalls and stands in the market places, as they become due, quarterly and in arrear, and after deducting the costs and charges of repair

(to

(to be allowed of by the said wardens) and his accustomed fees for collecting, shall pay the overplus, together with the monies already collected for rent, and in his hands, to the treasurer of the wardens and assessors for the time being (whose receipt, which he is hereby required to give, shall be a sufficient discharge for any sum of money so paid) under such penalty as the city court of the city of Philadelphia shall judge proper to inflict.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That the owners and occupiers of the several ferries, wharves, and public landing places within the said city, shall from time to time pay their respective rents as they become due to the treasurer of the wardens and assessors of the city of Philadelphia, for the time being, (whose receipt, which he is hereby required to give, shall be a sufficient discharge to him or them for the sum of money so paid) under the penalty of treble the amount of the said rents for every neglect or refusal.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That every other person who shall have or receive, or get into his custody or possession any monies in virtue of this act, and neglect or refuse to pay the same to the treasurer of the wardens and assessors, within ten days after the same shall come into his custody or possession, every such person, shall, for every neglect or refusal forfeit and pay treble the amount of such sum or sums of money so by him collected and received; and the said treasurer is hereby required to give receipt for the monies so by him received, whose receipt shall be a sufficient discharge to the persons paying the same.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That the monies which shall be received by the treasurer of the wardens and assessors aforesaid, by virtue of this act and the act to which this is a supplement, shall be disposed of by the wardens, or a majority of them, and applied to the same uses and purposes as mentioned and specified in an act of general assembly, passed the ninth day of March, in the year of our Lord one thousand seven hundred and seventy one, intitled, "An Act for regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia, and for other purposes therein mentioned."

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the wardens of the city of Philadelphia, for the time being, are hereby empowered to purchase a lot of ground on the north side of Sassafras street, adjoining the public wharf at the end of the said street, on the

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wealth.Penalty on  
persons ne-  
glecting to  
pay rent.Penalty on  
persons re-  
ceiving mo-  
ney by this  
act, and not  
paying in  
the same.Applicati-  
on of the  
monies to  
be receiv-  
ed.

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Proviso.

the river Delaware in the said city, and to take a deed or deeds for the same, in their names as wardens, for the use of the city of Philadelphia, to be annexed to, and made use of, as a public wharf, at the end of the said street, for such estate and estates, term or time, as the same can or may be legally granted and conveyed.

SECT. 8. *Provided, always, and be it enacted by the authority aforesaid,* That nothing in this act shall extend, or be construed to extend to the estate and interest formerly held by the corporation of the city of Philadelphia, usually called the middle ferry on Schuylkill, for the space of one year, from the first day of May one thousand seven hundred and eighty, to the first day of May one thousand seven hundred and eighty one, unless the wardens of the said city, shall undertake and engage with the president or vice president in council, to keep and maintain at their own expence, the bridge now erected over Schuylkill, in good repair, for the passage of men, horses and carriages, during the said term.

SECT. 9. *And provided also,* That nothing herein contained shall extend to the annulling or making void any contract or engagement made by the authority of the supreme executive council, with the quarter master general of the united states, for the passage of men, horses or carriages, in the immediate service of the united states.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Tuesday, the  
30th day of May, A. D. 1780.  
THOMAS PAINE, clerk of the general assembly.*

## C H A P T E R CLXXVI.

*An ACT to suspend the operation for a limited time, of the several laws of this commonwealth, for making the bills of credit of the united states a legal tender, in the payment of debts equal to gold and silver.*

Preamble.

SECTION 1. WHEREAS certain of the bills of credit emitted by the honourable congress of the united colonies or states of America, have hitherto been by the laws of this state, a legal tender, in the payment of all debts, dues, and contracts equal to gold and

and silver: *And whereas* the total repeal of the said acts, or the further continuance of the said bills as a legal tender, equal to gold and silver, might, in the present situation of affairs, be attended with many and great inconveniences; for remedy whereof, and until some mode more suited to the interest and circumstances of the parties concerned be devised,

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wealth.*

**SECT. 2.** *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That from and after the passing of this act, so much of the several acts of assembly of this state, as make the said bills of credit a legal tender equal to gold and silver, shall be, and they are hereby suspended, for and during the space of three months, and from thence, until the end of the next sitting of the general assembly.

**SECT. 3.** *Provided always,* That this act, nor any thing herein contained, shall extend or be construed to extend to any debt, contract, bargain or agreement, had, made or entered into, since the first day of November, one thousand seven hundred and seventy nine, or to any debt or demand whereupon any distress may be made, or upon which any action or suit shall be commenced in any court of law within this state, or to any sheriff, attorney in law, or fact, executor, guardian or other person, having received money by legal authority, in right of another; but, that it shall and may be lawful to make payment in all such cases, as might have been done, before the passing this act.

Tender  
laws sus-  
pended:under cer-  
tain condi-  
tions.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday, the  
31st day of May, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

## CHAPTER CLXXVII.

*An ACT for funding and redeeming the bills of credit of the united states of America, and for providing means to bring the present war to an happy conclusion.*

**SECTION I.** **W**HEREAS the honorable the congress of the united states of America, by their act of the eighteenth day of March last, have resolved and recommended to the several states in the words following, that is to say: "These united states

Resolve of  
congress re-  
cited.

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" having been driven into this just and necessary war, at  
 " a time when no regular civil governments were esta-  
 " blished of sufficient energy, to inforce the collection of  
 " taxes, or to provide funds for the redemption of such  
 " bills of credit as their necessities obliged them to issue ;  
 " and before the powers of Europe were sufficiently con-  
 " vinced of the justice of their cause, or of the probable  
 " event of the controversy, to afford them aid or credit,  
 " in consequence of which, their bills increasing in quan-  
 " tity, beyond the sum necessary for the purpose of a cir-  
 " culating medium, and wanting at the same time, spe-  
 " cific funds to rest on for their redemption, they have  
 " seen them daily sink in value, notwithstanding every  
 " effort that has been made to support the same, inso-  
 " much that they are now passed by common consent in  
 " most parts of these united states at least thirty nine for-  
 " tieths below their nominal value ; and still remain in  
 " a state of depreciation, whereby the community suf-  
 " fers great injustice, the public finances are deranged,  
 " and the necessary dispositions for the defence of the  
 " country are much impeded and perplexed ; and as ef-  
 " fectually to remedy these evils, for which purpose the  
 " united states are now become competent, their inde-  
 " pendence being well assured, their civil governments  
 " established and vigorous, and the spirit of their citizens  
 " ardent for exertions, it is necessary speedily to reduce  
 " the quantity of the paper medium in circulation, and  
 " to establish and appropriate funds, that shall ensure the  
 " punctual redemption of the bills : Therefore,

" *Resolved*, That the several states continue to bring  
 " into the continental treasury by taxes, or otherwise,  
 " their full quotas of fifteen million of dollars monthly, as  
 " assigned them by the resolution of the seventh day of  
 " October, one thousand seven hundred and seventy nine,  
 " a clause in the resolve of the twenty third day of Febru-  
 " ary last, for relinquishing two thirds of the said quotas  
 " to the contrary notwithstanding ; and that the states be  
 " forthwith called on to make provision for continuing to  
 " bring into the said treasury their like quotas monthly, to  
 " the month of April one thousand seven hundred and  
 " eighty one, inclusive.

" That silver and gold be receivable in payment of the  
 " said quotas, at the rate of one Spanish milled dollar in  
 " lieu of forty dollars, of the bills now in circulation.

" That the said bills as paid in, except for the months  
 " of January and February past, which may be neces-  
 " sary

" fary for the discharge of past contracts be not reissued  
" but destroyed.

" That as fast as the said bills shall be brought in to  
" be destroyed, and funds shall be established as hereaf-  
" ter mentioned, other bills be issued not to exceed on  
" any account one twentieth part of the nominal sum of  
" the bills brought in to be destroyed.

" That the bills, which shall be issued, be redeemable  
" in specie within six years after the present, and bear an  
" interest at the rate of five per centum per annum, to be  
" paid also in specie at the redemption of the bills, or  
" the election of the holder annually, at the respective  
" continental loan offices in sterling bills of exchange,  
" drawn by the united states on their commissioners in  
" Europe, at four shillings and six pence sterling per dol-  
" lar.

" That the said new bills issue on the funds of individu-  
" al states, for that purpose established, and to be signed  
" by persons appointed by them; and that the faith of  
" the united states be also pledged for the payment of the  
" said bills, in case any state on whose funds they shall be  
" emitted should by the events of war be rendered in-  
" capable to redeem them; which undertaking of the  
" united states and that of drawing bills of exchange for  
" payment of interest as aforesaid shall be indorsed on  
" the bills to be emitted, and signed by a commissioner,  
" to be appointed by congress, for that purpose.

" That the face of the bills to be emitted read as fol-  
" lows, viz.

" The possessor of this bill shall be paid

" Spanish milled dollars, by the thirty first day of De-  
" cember, 1786, with interest in like money, at the rate  
" of five per cent. per annum, by the state of

" according to an act of the legislature of the said  
" state, of the day of 1780."

" And the indorsement shall be as follows, viz.

" The united states ensure the payment of the within  
" bill, and will draw bills of exchange for the interest  
" annually if demanded, according to a resolution of  
" congress, of the eighteenth day of March, one thousand  
" seven hundred and eighty."

" That the said new bills shall be struck under the direc-  
" tion of the board of treasury, in due proportion for each  
" state, according to their said monthly quotas, and lodg-  
" ed in the continental loan offices in the respective states,  
" where the commissioners to be appointed by congress,  
" in conjunction with such persons as the respective states  
" appoint,

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of the Common  
wealth.*

" appoint, shall attend the signing of the said bills, which  
" shall be compleated no faster than in the aforesaid pro-  
" portion of one to twenty of the other bills brought in  
" to be destroyed, and which shall be lodged for that pur-  
" pose in the said loan offices.

" That as the said new bills are signed and compleated,  
" the states respectively on whose funds they issue, receive  
" six tenths of them, and that the remainder be subject to  
" the orders of the united states, and credited to the states  
" on whose funds they are issued, the accounts whereof,  
" shall be adjusted agreeably to the resolution of the sixth  
" day of October, one thousand seven hundred and seven-  
" ty nine.

" That the said new bills be receiveable in payment of  
" the said monthly quotas at the same rate as aforesaid, of  
" specie, the interest thereon, to be computed to the re-  
" spective states, to the day the payment becomes due.

" That the respective states be charged with such parts  
" of the interest on the said bills, as shall be paid by the  
" united states in bills of exchange, and the accounts  
" thereof, shall be adjusted agreeable to the resolution a-  
" foresaid, of the sixth of October, one thousand seven  
" hundred and seventy nine.

" That whenever interest on the bills to be emitted,  
" shall be paid prior to their redemption, such bills shall  
" be thereupon exchanged for others of the like tenor, to  
" bear date from the expiration of the year for which such  
" interest is paid.

" That the several states be called on to provide funds  
" for their quotas of the said new bills, to be so produc-  
" tive as to sink or redeem one sixth part of them annu-  
" ally, after the first day of January next.

" That nothing in the foregoing resolutions shall be  
" construed to ascertain the proportions of the expence  
" incurred by the war, which each state on a final adjust-  
" ment ought to be charged with; or to exclude the  
" claims of any state to have the prices at which different  
" states have furnished supplies for the army, hereafter tak-  
" en into consideration and equitably adjusted.

" That the foregoing resolutions with a letter from the  
" president, be dispatched to the executive of the several  
" states and that they be requested to call their assemblies,  
" if not already convened, as speedy as possible, to take  
" them into immediate consideration, to establish ample  
" and certain funds for the purposes therein mentioned,  
" and to take every other measure necessary to carry the  
" same into full and vigorous effect, and that they trans-

" mit

"mit their acts for that purpose to congress, without  
"delay."

SECT. 2. *And whereas* the depreciation of the currency of the united states now in circulation, and the speculation which has taken place in consequence thereof, has opened a door to numerous frauds, and may operate to the general injury of virtue and morality, and to the great dishonor of the state, unless timely prevented.

SECT. 3. *And whereas* the prospect of an appreciation, unless regulated on just and equitable principles, might likewise be followed by a train of evils as pernicious as those we have already experienced, and not only encourage, but enable such persons as have obtained large sums for small value to derive an undue advantage therefrom; and it being the duty of government to prevent as far as possible the evils and dangers of a fluctuating medium of commerce, and to fix and establish the value of such medium in such manner, that security and confidence may be again introduced into commerce, and order and cconomy into the public expenditures.

SECT. 4. *And whereas* the evils and inconveniences hitherto attending the depreciation of the currency of the united states have in a great measure been balanced by a real reduction and discharge of a very great part of the national debt, in so much, that it would now be a manifest public injustice, as well as a burthen intolerable to be borne, to tax the good people of this state, or of the united states, to pay that part of the public debt over again, which by a kind of common consent has been discharged by the said depreciation; and as we are fully convinced, that in case the measures recommended by congress, in their act of the eighteenth day of March last, to the several states, shall be adopted by them, the public credit will be established upon just and permanent principles, it is therefore incumbent on us to provide for the execution thereof, so far as the same concerns this state.

SECT. 5. *Be it therefore enacted, and it is hereby enacted,* by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the monthly taxes on estates real and personal, and on taxable persons, which are directed to be quotaed, assed and levied throughout the several counties of this state, in and by an act of assembly, intitled, "An Act for raising the sum of two millions five hundred thousand dollars monthly, during eight months, in the year one thousand seven hundred and eighty, for the

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wealth.*

The prin-  
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which the  
act is foun-  
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Certain mo-  
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ed by taxes  
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wealth.

"supply of the treasury of the united states of America,  
"and the treasury of this state," passed on the twenty  
sixth day of November last, shall be continued from the  
end of the said eight months, for so long time as shall be  
necessary, together with the said monthly taxes already  
directed as aforesaid, to redeem the said bills of credit of  
the united states of America, now in circulation, to the  
amount of twenty five millions of dollars; and that gold  
and silver and the new bills of credit herein after men-  
tioned be received in payment of the said monthly taxes,  
after the rate of one milled dollar, in lieu of forty of the  
said bills of credit of the united states of America, now  
in circulation, and, that the bills of credit last men-  
tioned, when received in taxes, (except as to the taxes of the  
month of January and February last,) be not again issued,  
but kept in the hands of the treasurer of this  
state, to be cancelled and destroyed; and that other and  
new bills redeemable in specie, within six years, after the  
present year, bearing a yearly interest of five per cent-  
um, payable also in specie, at the time of redemption,  
or at the option of the holder annually, in sterl<sup>i</sup>ng bills of  
exchange, after the rate of four shillings and six pence  
sterling per dollar, shall be emitted in the manner and to  
the amount, if the same shall be necessary, recommended  
by the honorable congress in their act aforesaid.

Declarato-  
ry clause to  
provide for  
the re-  
demption  
thereof.

SECT. 6. *And it is hereby declared by the authority afore-  
said,* That this house will as soon as convenient provide  
adequate funds for redeeming and cancelling the eighth  
part of the said new bills of credit, amounting to one  
million two hundred and fifty thousand dollars, of the va-  
lue of four shillings and six pence sterling each, or of  
so many thereof as may be issued in manner aforesaid,  
together with the interest thereon to accrue as afore-  
said.

Proviso.

SECT. 7. *Provided always and be it enacted by the autho-  
rity aforesaid,* That nothing in this act shall extend to  
establish or continue beyond the tax for the month of Au-  
gust next, the apportionment and applotment of the said  
monthly taxes according to the assessment thereof, within  
any township, district or ward, made by virtue of an  
act of assembly intitled, "An Act for raising the addition-  
al sum of five millions seven hundred thousand dollars, in  
the year one thousand seven hundred and seventy nine,"  
but the same shall be reassessed within such townships,  
districts and wards, on new returns of persons and estates,  
to be directed and made for that purpose, in the man-  
ner and under the penalties directed and provided, in  
and

and by the act of assembly last recited, without altering the quotas of the several counties or any of them, in order to levy the taxes by this act authorised to be raised and collected for the month of September, and the months following in an equal and just manner.

**SECT. 8.** *Provided also,* That the tax on money, directed to be levied by said act, be discontinued and cease.

**SECT. 9.** And for perfecting the said bills according to the true intent and meaning of this act, *Be it enacted by Signers the authority aforesaid,* That the said bills, to be emitted in the manner aforesaid, shall be signed by two of the persons hereafter named, that is to say, Michael Shubart, Daniel Wister, Levi Budd, Philip Boehm, Robert Cather, Jedediah Snowden, William Laurence Blair, John Miller, John Knox, and Nathan Jones, who are hereby nominated and appointed signers thereof, and who shall, before they receive or sign any of them, take an oath or affirmation to the effect following, that they shall attend, and well and truly sign and number all such bills, as shall be deemed the proportion for this state agreeable to the above resolve, and each of the said signers shall have ten shillings for every thousand of the said bills by them signed and numbered, and no more.

**SECT. 10.** *And be it further enacted by the authority aforesaid,* That from and after the publication of this act, if any person or persons shall, within this state or elsewhere, prepare, engrave, stamp, forge or print the counterfeit resemblance of any paper bills of credit which shall be issued, emitted and made in virtue of this act, or shall counterfeit or sign the name or names of the signer or signers of the said bills of credit, to such counterfeit bills of credit, with an intention that such counterfeit bills of credit shall be passed in payment or received as genuine and good bills, whether the same be so passed or received or not; or if any person or persons shall in this state pass, pay or tender in payment, any such counterfeit money, or deliver the same to any person or persons with an intention that they be passed, paid or received as and for good and genuine, knowing the same to be forged or counterfeited, every such person being thereof legally convicted, or attainted in any court of oyer and terminer within this state, by verdict of a jury, or confession of the party offending, or being indicted thereof, shall stand mute or not directly answer to the indictment, or shall peremptorily challenge more than the number of twenty persons legally

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Punishment  
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ly returned to be of the jury for the trial of such offender, shall be adjudged a felon and shall suffer death, without benefit of clergy. And if any person or persons shall counterfeit any of the said bills of credit, by altering the denomination thereof, with design to increase the value of such bills, or shall utter such bills, knowing them to be so counterfeited or altered as aforesaid, and shall be thereof convicted in any court of record in this state, such person or persons shall be sentenced to the pillory, and have both his or her ears cut off and nailed to the pillory, and be publicly whipped on his or her bare back with thirty nine lashes well laid on; and moreover, every such offender shall forfeit the sum of two thousand pounds, lawful money of Pennsylvania, to be levied on his or her lands and tenements, goods and chattles, the one moiety to the use of this state, and the other moiety to the discoverer, and the offender shall pay to the party aggrieved double the value of the damages thereby sustained, together with the costs and charges of prosecution. And in case the offender hath not sufficient to satisfy the discoverer for his or her damages and charges, and to pay the forfeiture aforesaid, in such case the offender shall, by order of the court where he or she shall be convicted, be sold as a servant, for any term not exceeding seven years, for satisfaction.

Suspending clause.

SECT. 11. *And be it further enacted by the authority aforesaid,* That this act and every thing therein contained, so far as respects the new bills of credit to be emitted by congress, for the redemption of the present currency of the united states, shall be suspended until a majority of the states shall adopt the above act, or resolves of congress of the eighteenth day of March last.

Repeal of part of an act respecting gold and silver.

SECT. 12. *And be it further enacted by the authority aforesaid,* That so much of the thirteenth section of an act intitled, "An Act for making the continental bills of credit, and the bills of credit emitted by the resolves of the late assembly legal tender, and for other purposes therein mentioned," passed the twenty ninth day of January, one thousand seven hundred and seventy seven, as prohibits the asking or taking a less price in gold or silver, than in the said bills of credit; and also the eighth section of the act intitled, "An Act for the regulation of the markets of the city of Philadelphia, and for other purposes therein mentioned," passed the fifth day of April, one thousand seven hundred and seventy nine, forbidding the buying, selling or renting, or offering to buy, sell, or rent with or for hard money, are hereby repealed and made void; and that

that from and after the passing of this act, all contracts whatever hereafter made, shall take effect, and be payable according to the special nature of such contract, any law heretofore to the contrary notwithstanding.

**SECT. 13.** *And whereas* it has been recommended to the legislature of the different states by the honorable congress of the united states, by their resolves of the twenty seventh of May instant, to pass laws for the punishment of such persons as shall encourage desertions from the fleets and armies of any foreign power, who shall prosecute the war in America, in conjunction with these united states, and for recovering such deserters, as shall conceal themselves among the inhabitants.

**SECT. 14.** *And whereas* this house entertain the highest sense of gratitude, for the generous assistance afforded these united states by our illustrious allies, and esteem it their duty and interest to afford every assistance and support to any power who shall prosecute the war in America, in conjunction with these united states: Therefore,

**SECT. 15.** *Be it enacted, and it is hereby enacted,* That any person or persons who shall promote or encourage desertion, or harbour or conceal any deserter, from the fleets or armies of any power, who shall prosecute the war in America, in conjunction with these states, shall be subject to the like fines and penalties as are by the laws now in being of this commonwealth, inflicted on persons for promoting or encouraging desertion, or harbouring or concealing deserters from the army of the united states.

Desertion  
from the  
fleets or ar-  
mies of al-  
lied powers

**SECT. 16.** *And be it further enacted by the authority aforesaid,* That any person or persons who shall apprehend and secure any deserter from any of the fleets or armies of any power, who shall in conjunction with these states prosecute the war in America, shall be entitled to the like reward, as is allowed to persons apprehending and securing deserters from the army of the united states.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the  
1st day of June, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

### CHAPTER CLXXVIII.

*An ACT for procuring an immediate supply of provisions for the federal army, in its present exigency.*

Passed June 1st, 1780. Recorded in Law Book Vol. I. Page 397, &c.  
Expired.

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## L A W S

Enacted in the fourth sitting of the fourth general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, on *Friday* the first day of *September*, in the year of our Lord 1780.

## CHAPTER CLXXIX.

*An ACT to remedy the inconveniences of holding the annual elections in the fourth district of the county of Cumberland, and the second district in the county of Bedford, at the places heretofore appointed by the laws of this commonwealth.*

Preamble.

SECTION 1. WHEREAS it has been found very inconvenient for the freemen of the fourth district of Cumberland county to attend the annual election at the house of James Purdy, in Farmanagh township, as by an act, intitled, "A supplement to an a&t, intitled, An A&t for amending the several acts for electing members of assembly," passed the fourteenth day of June, one thousand seven hundred and seventy seven, is directed: For remedy whereof,

Place where  
the electors  
of the  
fourth dis-  
trict of  
Cumber-  
land county  
shall meet  
at.

SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That henceforth the freemen of the fourth district of the said county shall meet, on the day by the constitution of this commonwealth appointed for such election, at the house of Thomas Wilson, in the township of Millford, and then and there elect members of general assembly, and other elective officers for said county, and make return thereof according to the laws heretofore made and provided.

SECT. 3. And whereas it is very inconvenient for the freemen of the townships of Air and Bethell, in the county of

of Bedford, to attend the annual election at the house of John Burd, in the second district of said county, as by the above recited act is directed: Therefore,

SECT. 4. Be it enacted by the authority aforesaid, That henceforth the said townships of Air and Bethell shall be a fifth district of the said county of Bedford, for the purpose of such annual election; and that the freemen of the said townships shall hereafter meet on the day appointed by the constitution of this commonwealth, for such election, at the house of William Hart, in the said township of Bethell, and then and there elect members of the general assembly, and other elective officers for said county, according to the said constitution, and the laws in such case made and provided; and a return of such elections shall be made in the same manner as the laws of this commonwealth direct for other districts; any thing in the above recited act to the contrary in any wise notwithstanding.

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wealth.

Place  
where the  
electors of  
the town-  
ships of Air  
and Bethell  
in the  
county of  
Bedford  
shall meet  
at.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Wednesday the  
20th day of September, A. D. 1780.  
THOMAS PAINE, clerk of the general assembly.

## CHAPTER CLXXX.

*A supplement to the act, intitled, "An Act for regulating and establishing admiralty jurisdiction."*

SECTION I. WHEREAS by the act of assembly, Preamble. **W**HEREAS by the act of assembly, intitled, "An Act for regulating and establishing admiralty jurisdiction," passed the eighth day of March last, no provision is made for the trial of capital and criminal offences committed at sea, previous to the passing of the said act, and it is reasonable that the same mode of trial should be adopted for offenders of this kind before the said time as since, and it is necessary that all such offenders should be duly punished.

SECT. 2. Be it therefore enacted and it is hereby enacted Where and by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all traitors, pirates, felons and criminals who have offended upon the seas, or within the admiralty jurisdiction, on or before the said eighth day of March last, may and shall be enquired of, tried, adjudged and punished in the same manner, at any admiralty sessions to be held in what manner persons committing capital and criminal offences at sea shall be tried and punished.

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wealth.*

held for the trial of such offences, as if the same had been committed since the aforesaid day; and if any person or persons happen to be indicted for any such offence done, or hereafter to be done upon the seas, or in any other place within the admiralty jurisdiction, or as accessaries before or after the fact either on the land or upon the seas, by a grand jury for the city or county of Philadelphia, or for either of them, before the judges or any two of them of the court of admiralty sessions mentioned in the act, to which this is a supplement, that then such order, process, judgment and execution shall be used, had, done and made to and against every such person and persons, so being indicted, as against traitors, felons, murderers and other criminals, for treason, felony, robbery, murder, manslaughter or other like offences done upon the land within the said city or county, as by the laws of this commonwealth is accustomed; and the trial of such offences, if they be denied by the offender or offenders, shall be had by twelve lawful men of the said city and county of Philadelphia or either of them; and such as shall be convicted of any such offence or offences, by verdict, confession or otherwise in the said court, shall have and suffer such pains of death, losses of lands, goods and chattels, and other punishment, as if they had been convicted and attainted of any treasons, felonies, robberies or other the said offences done upon the land; and shall be utterly excluded the benefit of clergy, where the same is taken away or not admitted for such like offence committed within the body of a county or on land.

Subjects of this or any of the united states, committing piracy under foreign colours, how tried and punished.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any of the subjects of this state, or any of the united states of America, shall commit any piracy or robbery, or any act of hostility, against other the subjects of this state or of any of the other united states of America, upon the sea, under colour of any commission from any foreign prince or state, or pretence of authority from any person whatsoever, such offender and offenders, and every of them, shall be deemed, adjudged and taken to be pirates, felons and robbers, and they and every of them being duly convicted thereof, according to the act of assembly above recited for regulating and establishing admiralty jurisdiction, or this act shall have and suffer such punishment and forfeitures as pirates, felons and robbers upon the seas ought to have and suffer.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any commander or master of any ship,

or

or any seaman or mariner shall in any place where the admiralty hath jurisdiction, betray his trust and turn pirate, enemy or traitor, and piratically and feloniously run away with his or their ship or ships, or any barge, boat ordnance, ammunition, goods or merchandizes, or yield them up voluntarily to any pirate, enemy or traitor, or bring any seducing message from either of them, or consult, combine or confederate with, or attempt or endeavour to corrupt, any commander, master, officer or mariner, to yield up or run away with any ship, goods or merchandise, or turn pirate, or go over to pirates or enemies; or if any person shall lay violent hands on his commander, whereby to hinder him from fighting in defence of his ship and goods committed to his trust, or shall confine his master, or make or endeavour to make a revolt in his ship, he shall be adjudged to be a pirate, felon and robber; and being convicted thereof as aforesaid, shall have and suffer such pains of death, loss of lands, goods and chattels, as pirates, felons and robbers upon the seas ought to have and suffer.

**SECT. 5.** *And whereas* complaint has been made that many soldiers have deserted from the armies of the united states of America and entered on board private armed ships, and when in foreign parts have deserted them, whereby the states have been greatly injured in the loss of soldiers and subjects.

**SECT. 6.** *Be it therefore enacted by the authority aforesaid,* That every captain, master or other officer belonging to any vessel, who shall receive or entertain any deserter, knowing him to be such, shall forfeit and pay to this commonwealth the sum of ten thousand pounds, to be recovered by seizure of his or their goods and chattels, or of monies in the hands of the marshal or agents; or where a sufficient sum of money cannot be obtained through the above means, then and in that case to suffer one year's imprisonment without bail or mainprize.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That all shares of prizes and wages to which deserters from the armies of the united states of America, who have or shall enter on board a private ship of war or other vessel, are or may hereafter be intitled to, shall be confiscated and forfeited to the use of this commonwealth, and applied for the recruiting the line of this state in the federal army; and, all wills and powers, letters of attorney, deeds of sale, and every other species of conveyance executed by such deserters, either before the failing of such vessels or at any time after their return or sending

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wealth.

Persons be-  
traying  
their trust  
at sea, how  
punished.

Captains  
and masters  
of vessels  
harbouring  
deserters  
how pro-  
ceeded  
against.

Prize mo-  
ney and  
wages of  
such deser-  
ters to be  
forfeited,  
and how  
applied.

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wealth.*

prizes into any port of this state, before the marshal of the admiralty court has given notice of his being fully prepared fully to pay shares of prizes to persons intitled to receive them, shall be null and void; and if, after the publication of this act, the marshal of the admiralty court or any agent shall advance goods or money to any person discovered to be a deserter before the marshal shall have given notice that he is ready to fully pay all shares of prizes, such advance shall be at the risk and loss of the person advancing it.

Muster roll  
of any ves-  
sel to be in-  
spected by  
a person  
appointed  
for that  
purpose.

SECT. 8. *And be it further enacted by the authority aforesaid,* That his excellency the president, or honorable vice president and executive council of this state, be authorised to appoint an agent and proper persons under him to visit all vessels in the ports of this state, on board of which it may be suspected deserters are entered or engaged, and there demand of the senior officer on board the roll of his crew, and that each man when his name is called over, shall be shewn to the person or persons authorized as above; and all such as are claimed as deserters shall be delivered up; and, in case the officer immediately commanding on board any vessel shall refuse to produce his roll, shew the men, or deliver up such as shall be claimed as deserters, he shall forfeit and pay the sum of ten thousand pounds, to be recovered by an action to be brought for that purpose, or suffer one year's imprisonment, which penalty shall also be incurred by every person obstructing such search; and it shall be the proper business of the above mentioned agent to give notice to the marshal of all deserters by him or the persons under him discovered, and claim and receive their shares of prizes and wages, and pay the same unto the state treasurer.

SECT. 9. *And whereas it is found by experience inexpedient to continue the eleventh section, in the act to which this is a supplement, any longer in force;*

The ele-  
venth sec-  
tion of the  
act to  
which this  
is a supple-  
ment re-  
pealed.

SECT. 10. *Be it enacted by the authority aforesaid,* That the said section "providing that nothing in the said act contained, which might contradict or interfere with the directions of an act of assembly of this commonwealth, intitled, "An Act for the effectual suppression of public auctions and vendues, and to prohibit male persons capable of bearing arms, from being pedlars and hawkers," passed on the twenty sixth day of November last, should have effect or be in force for and during the continuance of the said recited act," be and the same is hereby repealed and made void; and all prizes and property condemn-ed

Marshal  
may sell

ed by the judge of the admiralty in pursuance of the directions of the said act, except negroes and mulattoes, may and shall be sold at public auction by the marshal of the said court of admiralty, to the highest bidder for the same, which sale shall commence within twelve days after such condemnation, on giving six days previous notice thereof, as well in hand bills as in one or more of the public newspapers of the city of Philadelphia, and the said sale shall be continued, without unnecessary intermission, until the whole are sold; and the nett proceeds thereof be distributed as by the said act is prescribed, which distribution shall by him be made within twenty days after such sale is compleated; under the penalty of twenty per centum for the sum so neglected to be paid, to be recovered in an action brought for the same. *Provided always*, that persons legally authorized shall appear and make demand thereof agreeable to the mode prescribed by the act to which this is a supplement.

SECT. 11. *And be it further enacted by the authority aforesaid*, That in case any vessels, goods, wares or merchandize so as aforesaid sold by the marshal, shall not be paid for by the purchaser within three days after the sale thereof, that then the said marshal shall or may again expose such vessels, goods, wares and merchandize to public auction for the account of the captors, and having disposed of them for money, shall and may recover against the first purchaser all los<sup>s</sup> whatever which may arise on such second sale, together with costs, damages and charges, in any court of common pleas within this commonwealth.

SECT. 12. *And be it further enacted by the authority aforesaid*, That all other parts of the act of assembly before recited, and to which this is a supplement, not hereby altered or supplied, shall remain, continue and be in full force and virtue.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
22d day of September, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

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wealth.*

prize goods  
by public  
sale.

How the  
sale shall be  
made,  
and the  
money a-  
rising  
therefrom  
distributed.  
Penalty for  
neglect.

Purchase  
money not  
paid within  
three days,  
the goods  
to be put  
up again.

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Preamble.

*A supplement to the act, intitled, "An Act for the regulation  
" of the militia of the commonwealth of Pennsylvania."*

SECTION 1. WHEREAS the mode of determining the bounty of the militia while in actual service by the justices of the several courts of quarter sessions, as directed by the act above mentioned, has been found on experience inconvenient and unequal, inasmuch as persons rendering the same services, bearing equal hardships and exposed to equal danger, are partially and unequally compensated, thereby creating discontents and distinctions prejudicial to this important and necessary service. For remedy whereof,

Price of  
day labour  
to be ascer-  
tained by  
the assem-  
bly.

SECT. 2. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That the average price of common labour by the day, in the city of Philadelphia and counties of this state respectively, shall be enquired into, ascertained and fixed, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, which price so fixed and determined, shall be the rate by which all fines and penalties for neglect of militia duty, and the bounty of the militia shall be estimated and determined, during, and from that time, to the end of the next sitting of general assembly, and so from time to time at every succeeding session.

Proviso.

SECT. 3. *Provided always,* That this act or any thing herein contained shall not be construed to alter, mitigate or discharge, any fine or penalty already accrued, or which may hereafter accrue before the said rate shall be determined and fixed by the general assembly as aforesaid, but that all and singular the powers and authority of the quarter sessions, as given by the said act, shall continue until the said rate shall be fixed by the general assembly, and no longer.

SECT. 4. *And whereas* sundry former lieutenants and sub lieutenants, who have acted under the late militia law, have refused or neglected to deliver up the duplicates, books and papers belonging to their offices, whereby the fines and penalties accrued for former delinquencies still remain uncollected, to the great discouragement of those, who have rendered their personal service in time of danger, and to the injury of the public. For remedy whereof,

SECT. 5. *Be it enacted by the authority aforesaid,* That if

if any persons, who may have acted in the office of lieutenant or sub lieutenant of the city of Philadelphia or any of the counties of this state, shall, upon the resignation of his office, or being legally superceded therein, refuse to deliver up to his successor in office, or to any person, who is or shall be appointed by the president or vice president in council to receive the same, all and singular the books, duplicates, returns or other papers belonging to or in use in the said office (demand being first made thereof in writing) he or they so offending, shall forfeit the sum of ten thousand pounds, and the necessary costs of prosecution for every such refusal, to be recovered by his said successor in office, or other person duly authorised as aforesaid, upon indictment, bill, plaint, or information, or by action of debt in any court of record within this state, to be applied as other militia fines are directed by the law to which this is a supplement; and in case of a second refusal, such person shall suffer as well the said penalty as the further punishment of six months imprisonment without bail or mainprize, and the justices of the court where such penalty shall be recovered, shall order the said commitment accordingly.

SECT. 6. *And be it further enacted by the authority aforesaid,* That so much and such parts of the law to which this is a supplement, as are by this act altered and amended, be, and are hereby repealed and declared null and void.

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
22d day of September, A. D. 1780.*  
THOMAS PINE, clerk of the general assembly.

## C H A P T E R CLXXXII.

*An ACT to revive and continue for a further limited time, the act for laying an embargo on the exportation of provisions from this state, by sea, for a limited time.*

Passed September 22d, 1780. Recorded in Law Book Vol. I. Page 402, &c.  
Repealed February 27, 1781.

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wealth.

Penalty of  
ten thou-  
sand pounds  
on lieuten-  
ants and sub  
lieutenants  
neglecting  
or refusing  
to deliver  
up their  
books, ac-  
counts, &c.  
On second  
refusal shall  
suffer six  
months im-  
prisonment  
in addition.

## CHAPTER CLXXXIII.

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of the Commonwealth.

*An ACT to continue for a longer time the act, intitled, "An Act to suspend the operation for a limited time of the several laws of this commonwealth for making the bills of credit of the united states a legal tender in the payment of debts, equal to gold and silver."*

Preamble. SECTION I. WHEREAS the above recited act would expire with the ending of this present session of assembly; and it is just and necessary that the same should be continued, until the value of the said currency can be fixed at some certain standard, and a proper mode established which will make the advantages equal to both debtor and creditor: Therefore,

Former act continued for a limited time.  
SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the act, intitled, "An Act to suspend the operation for a limited time of the several laws of this commonwealth, for making the bills of credit of the united states a legal tender in the payment of debts, equal to gold and silver," passed the thirty first day of May, one thousand seven hundred and eighty, be, and is hereby continued in full force, until the end of the next sitting of the general assembly, and no longer.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Friday the 22d day of September, A. D. 1780.  
THOMAS PAINE, clerk of the general assembly. §

## CHAPTER CLXXXIV.

*An ACT to alter and amend an act, intitled, "An Act for the effectual suppression of public auctions and vendues, and to prohibit male persons, capable of bearing arms, from being hawkers and pedlars."*

Preamble. SECTION I. WHEREAS it appears to be necessary in the present situation of the trade and commerce of this state, that the sale of goods at public vendue should be enlarged and extended.

SECT. 2. Be it therefore enacted and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the

*the same,* That from and after the publication of this act; it shall and may be lawful for the president or vice president in council, to appoint and licence three auctioniers, one for the city of Philadelphia, one for the Northern Liberties, and one for the district of Southwark, who shall continue for and during the will and pleasure of the said president and council, and shall give bond to the president and his successors with two sufficient sureties in the sum of twenty thousand pounds, for the faithful discharge of their duties, and for well and truly performing the terms and payments in and by this act directed and required.

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of the Common-  
wealth.*

President  
and council  
to appoint  
three auc-  
tioniers.  
who are to  
give bond.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said auctioniers and no other shall, from and after the publication of this act, have full power and authority to set up and expose to sale by public outcry and vendue, all and any houses, lands, goods, wares and merchandises, and property whatsoever, negroes and mulatto slaves excepted, rendering and paying to the state treasurer for the use of the commonwealth, one per centum of the gross amount of the sales so by him or them made as aforesaid, in manner following, that is to say, that each and every of the said auctioniers, shall once in every three months, render an account upon oath to the said treasurer, (which oath he is hereby empowered to administer, and is directed to file the said account with the said oath in his office) of all the effects and property by him or them sold at any time before the said time of rendering the same account, and since his last settlement, and shall then immediately pay to the same treasurer the full amount of the said one pound in the hundred pounds upon the same account, and upon any failure in rendering the same account upon oath, or of payment of the said sum of one per centum, any auctionier so failing or neglecting shall be discharged from his place, and the said bond put immediately in suit.

Sales admit-  
ted by pub-  
lic auction.

And, if any person or persons, other than the said auctioniers, shall be found selling or disposing of any lands, tenements, goods, wares, merchandises or property whatsoever, within the city of Philadelphia, the Northern Liberties or the district of Southwark, except as herein after is excepted, by way of vendue or auction, such person or persons so offending, and being thereof legally convicted, shall, for every such offence, forfeit the sum of twenty thousand pounds, to the use of the poor of the city, liberties or district, where such offence shall be committed. And moreover, it shall and may be lawful for

Auction-  
iers shall  
pay one per  
cent. into  
the state  
treasury  
once a quar-  
ter.  
Penalty for  
neglect.

Penalty on  
selling by  
auction  
without a  
any licence.

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wealth.*

any justice of the peace of the said city, liberties or district respectively, upon his own view, or on the testimony and information of one or more credible witnesses to him given, of any person selling any lands, tenements, goods, wares, merchandise or other property whatever, by way of vendue or auction as aforesaid, except as by this act is excepted, within the said city, district or liberties, to cause such person or persons so offending to be apprehended, and may oblige him, her or them, to find sureties for his, her or their good behaviour and appearance at the next court of quarter sessions of the peace to be held for the said city, liberties or district respectively. *And it is further declared,* That if the party so bound over, shall, during the continuance of his, her and their recognizances, presume again to sell or expose to sale by way of vendue as aforesaid, any lands, tenements, goods, wares, merchandise or other property whatsoever, within the said city, liberties or district, such selling or exposing to sale shall be deemed and is hereby declared to be a breach of the said recognition.

Proviso.

SECT. 4. *Provided always, and it is hereby further enacted,* That nothing herein contained shall extend or be construed to extend to hinder any lawful executor or executors, administrator or administrators, to expose to sale by way of public auction, vendue or otherwise, any lands tenements, goods or chattels of their respective testators or intestates, or to hinder any sheriff, constable, lieutenant or sub lieutenant or other officer, to sell and dispose of, by way of vendue, any lands, tenements, goods or chattels taken in execution, and liable to be sold by order of law; or to hinder any person or persons from selling or exposing to sale by way of vendue, any goods or chattels of any kind whatsoever, taken and distrained for rent in arrear; but that all and every such person or persons may do therein as they might have done; any prohibition in this or any former law contained to the contrary notwithstanding.

SECT. 5. *And whereas the crime of horse stealing is become so frequent in this and the neighbouring states, as to render every precaution and remedy necessary and proper,*

Auctionier shall keep a register of horses sold.

SECT. 6. *Be it therefore enacted by the authority aforesaid,* That each and every of the said auctioniers shall keep a register of the horses, mares or geldings by them respectively exposed to sale, in their respective offices, wherein shall before sale be inserted the colour, size, and principal marks, natural and artificial of every horse,

horse, mare or gelding by him exposed to sale, and the age as the intended vender shall declare it, the name or names of the persons offering the same for sale, and after the sale, the name of the person to whom the same is sold, which said register is hereby declared to be so far a public record, as that every person shall be intitled to a view thereof and a copy if demanded, paying for such inspection the sum of two dollars, and for such copy the sum of six dollars, and shall be read in evidence on any trial respecting the property of such horse, mare or gelding.

SECT. 7. *And be it further enacted by the authority aforesaid,* That no sale of any stolen horse, mare or gelding, by virtue of this act, shall be deemed a public sale in market overt, so as to change the property thereof.

SECT. 8. *And be it further enacted by the authority aforesaid,* That no vendue shall be held by the said auctioniers or any of them, out of the city or district for which he or they shall be appointed, and that their fees or recompence for selling at public auction, collecting the money, and paying over the same without loss or waste, shall be as follows; for household goods, cattle and live stock, five per centum; for horses, two and an half per centum; for ships, houses and lands, an half per centum; for rum, sugar, tea, coffee, and all other groceries, two and an half per centum; for European and American manufacturers, in such lotts or proportions as are usually sold in wholesale stores, five per centum.

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Register to  
be a public  
record sub-  
ject to in-  
spection.

Auctionier  
not to ex-  
ceed the  
limits of  
his district.

*Pay of the  
Auctionier.*

JOHN BAYARD, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the  
23d day of September, A. D. 1780.*

THOMAS PAINE, clerk of the general assembly.

1780.

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of the Commonwealth.

## L A W S

Of the first sitting of the fifth general assembly of the commonwealth of *Pennsylvania*, which met at *Philadelphia*, on *Tuesday*, the twenty third day of *October*, in the year 1780.

## C H A P T E R CLXXXV.

*An ACT to settle and adjust the accounts of the troops of this state in the service of the united states, and for other purposes therein mentioned.*

**Preamble.** SECTION 1. WHEREAS, from a variety of causes, the united states have not been able to comply with their engagements heretofore made to the officers and private men of the Pennsylvania line; which hath occasioned great injury to those troops, to whose virtuous exertions America is much indebted:

Auditors to be appointed by the supreme executive council to settle the depreciation of pay accounts, and to estimate in specie all pay received.

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the supreme executive council be, and they are hereby authorized and directed to appoint three auditors, to settle the depreciation of the pay accounts of all the officers and private men of the Pennsylvania line, from the first day of January, one thousand seven hundred and seventy seven, to the first day of August, one thousand seven hundred and eighty; and the said auditors, or any two of them, are hereby impowered and directed to estimate, in specie, all sums of continental money, received by the said officers and private men, on account of their pay, within the period aforesaid, agreeable to a scale of depreciation herein after mentioned and contained.

Auditors to give certificates for

SECT. 3. And be it further enacted by the authority aforesaid,

*aforesaid,* That the said auditors, or any two of them, are hereby empowered and directed to give to the officers and private men, to whom pay on such settlement as aforesaid shall be found due, certificates, specifying the sums due in specie; which certificates shall be received and considered as equal to specie in payment of the estates herein after mentioned and directed to be sold.

*SECT. 4. And be it further enacted by the authority aforesaid,* That all confiscated estates, not already sold or appropriated to public use, shall, on the first day of July next, or as soon after as may be convenient, be disposed of at public sale for the highest price; which sale the supreme executive council are hereby directed to order the agents for confiscated estates to make, giving due notice thereof; and the said agents are hereby directed to receive in payment for the estates which they shall sell as aforesaid, specie, or bills of credit of this state equivalent thereto, or the certificates aforesaid, which sales shall be made upon the same terms of payment as have heretofore been directed in the sale of other confiscated estates.

*SECT. 5. And be it further enacted by the authority aforesaid,* That in order to prevent the certificates of the private men of the line aforesaid from being counterfeited or becoming objects of speculation, no transfer or assignment of the same shall be good and valid in law, unless attested by the officer commanding the regiment to which said privates shall belong.

*SECT. 6. And be it further enacted by the authority aforesaid,* That in case the possessor or possessors of the said certificates shall think proper to purchase unlocated lands belonging to this state with the same, then and in such case it shall and may be lawful for the commissioners or other proper officers of the land office, so soon as the said office shall be opened by law, and they are hereby directed to receive the said certificates so unpaid equal in value to specie in payment for the lands so purchased from the said land office: which lands purchased with and paid for in the certificates aforesaid are to be rated and granted at the same price at which unlocated lands shall or may be rated and granted to any person or persons tendering gold or silver, or currency equivalent thereto.

*SECT. 7. And be it further enacted by the authority aforesaid,* That the said auditors shall in like manner settle and adjust the accounts of all officers and private men of the line aforesaid, who have fallen or died in the service during the said period; and their widows and children

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*The fourth Year  
of the Common-  
wealth.**the sums  
due in spe-  
cie.**Certain  
confiscated  
estates to  
be sold on  
or before 1st  
July next,  
by the pro-  
per agents,  
and specie,  
certificates,  
&c. receiv-  
ed in  
payment.**No certifi-  
cate of pri-  
vate soldi-  
ers to be  
transferred  
unless, &c.**Certificates  
to be re-  
ceived in  
payment  
for unlocat-  
ed lands,  
&c.**Auditors to  
settle ac-  
counts of  
persons  
who have  
died in the  
service, &c.*

## HIS EXCELLENCE

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of the Common-  
wealth.

Officers  
and private  
men of state  
navy in ac-  
tual service  
entitled to  
benefits of  
this act:  
And officers  
and soldi-  
ers of this  
state made  
prisoners in  
actual ser-  
vice.

Qualifica-  
tion of audi-  
tors ;  
who are to  
settle ac-  
counts on  
oath, and  
administer  
oath or af-  
firmation.

Assembly  
may call in  
certificates  
and pay off  
the same.

And money  
received for  
estates sold,  
to be reser-  
ved for re-  
deeming  
certificates ;  
to be paid  
to the trea-  
surer of the  
state, who  
is to keep  
them to be  
cancelled  
by order of  
assembly.

children shall be intitled to such certificates and to all the benefits and advantages hereby granted to the officers and private men now in the said line.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the officers and private men of the state navy, now in actual service, shall and are hereby declared to be equally intitled to all benefits and allowances extended to the Pennsylvania line by this act, and all officers and soldiers of this state, taken prisoners in the actual service of this or the united states, shall likewise be considered as being within the intent and meaning of this act, so far as to be intitled to all the benefits and advantages hereby granted and extended to the officers and privates of the Pennsylvania line aforesaid.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the auditors aforesaid, previous to their entering on the duties required of them by this act, shall severally take the following oath or affirmation, to wit,

" I, A. B. do swear or affirm, (as the case may be) that I will well and truly perform all and singular the duties required of me by the act intitled, " *An Act to settle and adjust the accounts of the troops of this state, (meaning Pennsylvania) in the service of the united states, and for other purposes therein mentioned,*" to the best of my knowledge and abilities, without partiality or respect to any person or persons whatsoever." And the auditors aforesaid are hereby fully authorised and directed to settle the aforesaid accounts upon oath or affirmation, which oath or affirmation shall be by them administered.

SECT. 10. *And be it further enacted by the authority aforesaid,* That this or any future assembly, notwithstanding the provision made as aforesaid, may or shall, if they think proper, call in all such certificates given and not redeemed as aforesaid, and pay off the same in specie or other current money equivalent.

SECT. 11. *And be it further enacted by the authority aforesaid,* That in case any of the confiscated estates above mentioned, shall be sold and paid for in specie or other current money, then the agents aforesaid shall pay the said monies so received to the treasurer of this state, which he is hereby directed to reserve for redeeming the certificates aforesaid, which shall remain unpaid, in such manner as the general assembly shall order and direct: And all certificates received by the agents aforesaid, and commissioners of the land office, by virtue of this act, shall be by them delivered to the treasurer aforesaid, who is hereby directed to keep the same, to be cancelled and

and destroyed in such manner as the general assembly shall order and direct.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the following scale of depreciation shall be the rule by which the said auditors shall be governed in the settlement aforesaid :

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wealth.

*One thousand seven hundred and seventy seven.*

	Scale of de- preciation.
January,	One and an half.
February,	One and an half.
March,	Two.
April,	Two and an half.
May,	Two and an half.
June,	Two and an half.
July,	Three.
August,	Three.
September,	Three.
October,	Three.
November,	Three.
December,	Four.

*One thousand seven hundred and seventy eight.*

January,	Four.
February,	Five.
March,	Five.
April,	Six.
May,	Five.
June,	Four.
July,	Four.
August,	Five.
September,	Five.
October,	Five.
November,	Six.
December,	Six.

*One thousand seven hundred and seventy nine.*

January,	Eight.
February,	Ten.
March,	Ten and an half.
April,	Seventeen.
May,	Twenty four.
June,	Twenty.
July,	Nineteen.
August,	Twenty.
September,	Twenty four.
October,	Thirty.
November,	Thirty eight and an half.
December,	Forty one and an half.

*One thousand seven hundred and eighty.*

January,	Forty and an half.
February,	Forty seven and an half.
March,	Sixty one and an half.
April,	Sixty one and an half.
May,	Fifty nine.
June,	Sixty one and an half.
July,	Sixty four and an half.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the auditors aforesaid shall be intitled to receive the same pay and allowances as the auditors of

Pay of au-  
ditors.

## His EXCELLENCE

1780. this state appointed by the legislature for the settlement of the public accounts.

*The fourth Year  
of the Commonwealth.*

*Certificates  
to be pro-  
vided by  
council.*

SECT. 14. *And be it further enacted by the authority aforesaid,* That printed certificates shall be provided by direction of the supreme executive council, in such manner and form as they shall judge necessary and proper, and delivered to the auditors aforesaid, to be by them applied to the uses and purposes herein before directed.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
18th day of December, A. D. 1780.*

SAMUEL STERETT, *clerk of the general assembly.*

## CHAPTER CLXXXVI.

*A supplement to an act intitled, "An Act for funding and  
redeeming the bills of credit of the united states of  
America, and for providing means to bring the pre-  
sent war to an happy conclusion."*

Preamble. SECTION I. WHEREAS it is the duty of the representatives of the freemen of this state, to provide adequate funds for redeeming and cancelling the eighth part of the new bills of credit, emitted or to be emitted by congress, in consequence of their act of the eighteenth day of March last, amounting to one million two hundred and fifty thousand dollars, of the value of four shillings and six pence sterling each, or so many thereof as may be issued, together with the interest thereon to accrue as mentioned in the act to which this act is a supplement: Therefore,

Sums to be  
raised in  
each of the  
next six  
years.

SECT. 2. *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That the sum of ninety three thousand six hundred and forty pounds ten shillings shall be raised, levied and paid in each and every of the next six succeeding years, on the persons and estates of the inhabitants of the city of Philadelphia, and the several counties of this state, in the proportion and manner following, that is to say, the city and county of Philadelphia, thirty one thousand and twenty three pounds fifteen shillings; the county of Bucks, six thousand one hundred and thirty five pounds fifteen shillings;

Proportion  
of the city  
and coun-  
ties;

shillings; the county of Chester, nine thousand eight hundred and forty nine pounds fifteen shillings; the county of Lancaster, thirteen thousand three hundred and thirty pounds seventeen shillings and six pence; the county of York, seven thousand four hundred and twenty eight pounds; the county of Cumberland, six thousand nine hundred and eighty pounds twelve shillings and six pence; the county of Berks, six thousand seven hundred and four pounds twelve shillings and six pence; the county of Northampton, three thousand eight hundred and fifty nine pounds ten shillings; the county of Bedford, two thousand one hundred and fifteen pounds fifteen shillings; the county of Northumberland, three thousand five hundred and ninety eight pounds two shillings and six pence; and the county of Westmoreland, two thousand six hundred and thirteen pounds fifteen shillings; amounting in the whole to five hundred and sixty one thousand eight hundred and forty three pounds; to be cancelled and destroyed at such times as the general assembly of this state shall hereafter direct.

**SECT. 3.** *And be it enacted by the authority aforesaid,* That the act intitled, “*An Act to raise the supplies for the year one thousand seven hundred and seventy nine,*” passed on the third day of April, in the year of our Lord one thousand seven hundred and seventy nine; and the act intitled, “*An Act for raising the additional sum of five millions seven hundred thousand dollars for the current year one thousand seven hundred and seventy nine,*” passed the tenth day of October in said year, and every clause and thing in the said acts contained, shall be in force and shall be extended and applied to the raising, levying, collecting and paying the taxes or sums of money hereby directed to be levied and paid, as fully as if said acts were herein inserted, except only where the former is amended, supplied or altered by the latter, or either of the said acts are amended, supplied or altered by this act.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That every single freeman, who, at the time of assessing any tax required by this act, is of the age of twenty one years or upwards, and has been out of his apprenticeship or servitude the space of six months, shall be assessed any sum not exceeding three pounds, nor less than one pound, by the township, ward or district assessors, and two freeholders; any thing in the acts above mentioned to the contrary in any wise notwithstanding.

**SECT. 5.** *And whereas divers owners of lands whereon improvements have been made, and of tenements,*

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of the Common-  
wealth.

to be can-  
celled as  
the assem-  
bly shall di-  
rect.

Two acts  
continued.

Sums to be  
assessed on  
single free-  
men.

may

## HIS EXCELLENCE

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of the Common-  
wealth.*

Goods and chattels of tenants liable to be distrained as well as the owner's lands, &c. Tenants paying taxes, to reserve them out of rent, or recover the same with costs.

Proviso.

Eighteenth section of act for raising 5,700,000 dollars not extended to raising taxes hereby directed.

Office of ci-  
ty and coun-  
ty assessor  
abolished.

Time com-  
missioners  
meet to is-  
sue war-  
rants.

may not reside in the county or district where such lands or tenements are situate, whereby it may be difficult to collect the taxes assessed on such real estate: For remedy whereof,

*SECT. 6. Be it enacted by the authority aforesaid, That the tenant or tenants or other person residing on or occupying such real estate, his, her and their goods and chattels, as well as the lands, goods and chattels of the owner or owners thereof, shall be liable to be distrained to satisfy the said taxes or any of them. And in case the tenant or tenants, or other person or persons residing on or occupying such real estate, shall pay any tax laid thereon by virtue of this act, or shall be distrained to satisfy such tax, such tenant or tenants may retain the same out of the rent by him, her or them payable for such estate to the landlord; or the said tenant or tenants, or other occupier or occupiers of such estate, shall recover the same with costs of suit of the owner of such estate, by action of debt, if under five pounds, in a summary way, in like manner as small debts are recoverable, but if the same exceed five pounds, in any court of common pleas.*

*SECT. 7. Provided always, That nothing in the foregoing section shall in any manner alter any contract made between any landlord and tenant concerning the payment of taxes.*

*SECT. 8. And be it enacted by the authority aforesaid, That the eighteenth section of the act, intitled, "An Act for raising the additional sum of five millions seven hundred thousand dollars for the current year one thousand seven hundred and seventy nine," passed on the tenth day of October in said year, obliging tenants holding under leases made before the first day of January, one thousand seven hundred and seventy seven, whereby the rent has been reserved in current money, to pay over and above said rent all taxes on their holding, shall not be extended to the paying the taxes herein directed to be levied and paid.*

*SECT. 9. And be it enacted by the authority aforesaid, That the office and duty of the city and county assessors shall hereafter cease, and the commissioners of the city and counties of this state shall do and perform the several duties heretofore done and performed by the said city and county assessors, any law of this commonwealth to the contrary in any wise notwithstanding.*

*SECT. 10. And be it further enacted by the authority aforesaid, That the time the commissioners shall meet in the city and counties of this state, to issue their warrants in*

in pursuance of this act to the ward, district and township assessors, shall be on the first Tuesday in August annually.

SECT. 11. *And whereas it is highly necessary that the bills of credit emitted, or that shall hereafter be emitted by congress, according to their act of the eighteenth day of March last, as the quota of this state, shall be made legal tender in all payments whatsoever.*

SECT. 12. *Be it therefore enacted, by the authority aforesaid,* That the said bills, emitted or issued as the quota of this state in manner aforesaid, shall hereafter be current money in this state and legal tender to all intents and purposes whatsoever, according to the sums mentioned or expressed in the said bills; that is to say, every dollar of the said bills shall be of the value of one Spanish milled silver dollar, weighing seventeen penny weight and six grains; and eight dollars of the said bills shall be equal in value to one gold half Johannes of Portugal, weighing nine penny weight; and in like proportion for all other gold or silver coin; and every tender and payment in the said new bills is hereby declared to be good to all intents and purposes whatsoever, any contract, agreement or bargain between parties to the contrary in any wise notwithstanding.

SECT. 13. *And be it enacted by the authority aforesaid,* That if any person or persons, bodies politic and corporate, from and after the passing of this act, shall refuse to receive any of the said bills of credit, when tendered in payment of any debt or demand whatsoever, provided the whole of such debt or demand be so tendered, such person or persons, bodies politic and corporate so refusing, shall be for ever barred from suing for or recovering the same before any judge or in any court of this state.

SECT. 14. *And be it enacted by the authority aforesaid,* That if any person whatsoever shall, after the passing of this act, refuse to take and receive any of the bills of credit aforesaid in payment for any live stock, necessary of life, commodity, manufacture, article or goods whatsoever, which he or she shall sell, or expose to sale, or offer the same for a less price, or smaller sum of money, to be paid in gold or silver than in the bills of credit emitted as aforesaid, or that shall give or receive a greater nominal sum of said new bills of credit for a less in gold or silver, every such person being thereof legally convicted in any court of general quarter sessions of the peace in this state, shall, for the first offence, forfeit and pay double the value of the article or articles so sold or exposed to sale; one moiety thereof to

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of the Common-  
wealth.

Preamble.

Bills made  
legal ten-  
der,

equal in va-  
lue to gold  
and silver;

and every  
tender  
good not-  
withstand-  
ing con-  
tracts, &c.

Any person  
or body po-  
litic and  
corporate,  
refusing  
bills when  
tendered to  
be forever  
barred.

Persons re-  
fusing to  
take bills  
for goods,  
&c. how  
punished.

## HIS EXCELLENCE

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of the Common-  
wealth.**Party giv-  
ing inform-  
ation good  
witness.*

the person or persons giving information of the same and prosecuting the offender to conviction, and the other moiety for the use of the poor of the city, district or township where the offence shall be committed; and for the second offence shall suffer imprisonment during the present war, and forfeit to the commonwealth one half of his or her lands and tenements, goods and chattels.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the party giving information as aforesaid shall be admitted as a competent witness in all cases on the trial of offenders against this act, any law, custom or usage to the contrary in any wise notwithstanding.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Tuesday the  
19th day of December, A. D. 1780.  
SAMUEL STERETT, clerk of the general assembly.*

## CHAPTER CLXXXVII.

*An ACT to permit the exportation of flour of wheat from this state by sea, under certain limitations and restrictions.*

Passed December 22d, 1780. Recorded in Law Book Vol. I. Page 407, &c.  
Repealed February 27th, 1781.

## CHAPTER CLXXXVIII.

*An ACT to revive and amend an act, intitled, "An Act to suspend the operation for a limited time of the several laws of this commonwealth for making the bills of credit of the united states a legal tender in the payment of debts, equal to gold and silver."*

Preamble.

SECTION I. WHEREAS the above recited act, intitled, "An Act to suspend the operation for a limited time of the several laws of this commonwealth for making the bills of credit of the united states a legal tender in the payment of debts, equal to gold and silver," passed the thirty first day of May last past, would have expired by its own limitation at the end of the last session of assembly, but the same was continued by an act passed the twenty second day of September last, until the end of the present session

session of assembly; and it is just and necessary that the same should be continued until the value of the said currency can be fixed at some certain standard, and a proper mode established, which will make the advantages equal to both debtor and creditor.

SECT. 2. Be it therefore enacted and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the said act, intitled, "An Act to suspend the operation for a limited time of the several laws of this commonwealth for making the bills of credit of the united states a legal tender in the payment of debts, equal to gold and silver," passed the thirty first day of May, one thousand seven hundred and eighty, and every article, matter and thing therein contained, (except the clause limiting the time of its continuance) is hereby revived and continued, and declared to be in full force, except where the same is hereby altered or amended.

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of the Common-  
wealth.

Act revived  
and conti-  
nued.

SECT. 3. Provided always, nevertheless, That where any person or persons are about to remove out of this state, and refuse to give security to their creditor or creditors, or where any person or persons refuse to appear without process, and put in special bail to the plaintiff's action for the debt or cause for which he complains; or where any tenant or tenants have committed or shall commit any waste or destruction in the houses or lands or hold possession against the will of the landlord, after the expiration of the lease; in all such cases it shall and may be lawful, for such landlords or creditors, to make distresses or bring suits as the case may require for their rents, debts or demands, and the enacting clause of the first mentioned act, suspending the operation of the several laws of this commonwealth, for making the bills of credit of the united states a legal tender in the payment of debts equal to gold and silver, revived and continued by this act, shall be extended to such landlords and creditors, in as full and ample a manner, as if no such distress had been made or suit brought; any thing in the proviso to the first mentioned act revived and amended by this act, or in this act contained, to the contrary thereof in any wise notwithstanding.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
22d day of December, A. D. 1780.*

SAMUEL STERETT, clerk of the general assembly.

CHAP-

1780.

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of the Commonwealth.

## CHAPTER CLXXXIX.

*A supplement to an act, intitled, "An Act for striking the sum of one hundred thousand pounds in bills of credit, for the present support of the army, and for establishing a fund for the redemption of the same, and for other purposes therein mentioned."*

Preamble. SECTION 1. WHEREAS it is necessary that the bills of credit emitted and made current by the act, intitled, "An Act for striking the sum of one hundred thousand pounds in bills of credit, for the present support of the army, and for establishing a fund for the redemption of the same, and for other purposes therein mentioned," be made a legal tender in all cases whatsoever.

Bills of credit made legal tender in all contracts, &c. SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the bills of credit emitted by the act aforesaid be, and are hereby declared to be legal tender to all intents and purposes whatsoever, and shall be taken and received in payment in all bargains, contracts, purchases, agreements, dealings, debts, dues and demands, according to the sum specified in the said bills, to be taken and received at the rate or value of fifteen shillings for every two dollars, and so in proportion for a larger or less sum, and of equal value in the payment of such bargain, contract, purchase, agreement, dealing, debt, due and demand whatsoever, with two Spanish milled dollars, each weighing seventeen pennyweight and six grains; and sixty shillings of the emission aforesaid, shall be taken and received at the rate of or equal in value to one gold half Johannes of Portugal, weighing nine pennyweight, and in the like proportion for all other gold or silver coin; any contract, agreement or bargain between parties to the contrary in any wise notwithstanding.

Value of the bills compared with silver and gold. Refusal of the bills when tendered, bars an action. SECT. 3. And be it further enacted by the authority aforesaid, That if any person or persons, bodies politic and corporate, from and after the publication of this act, shall refuse to receive any of the said bills of credit when tendered in payment of any debt, bargain, contract or demand whatsoever, provided the whole of the said debt or demand be so tendered, such person or persons, bodies politic and corporate so refusing, shall be for ever barred from suing for or recovering the same before any judge or in any court of this state.

SECT. 4. And be it further enacted by the authority aforesaid, That if any person whatsoever shall, after the passing

passing of this act, refuse to take and receive any of the bills of credit aforesaid, in payment for any live stock, necessary of life, commodity, manufacture, article or goods whatsoever, which he or she shall sell, or expose to sale, or offer the same for a less price or smaller sum of money, to be paid in gold or silver, than in the bills of credit emitted as aforesaid, or that shall give or receive a greater nominal sum of said bills of credit for a less in gold or silver, every such person, being thereof legally convicted in any court of general quarter sessions of the peace in this state, shall, for the first offence, forfeit and pay double the value of the article or articles so sold or exposed to sale; one moiety thereof to the person or persons giving information of the same, and prosecuting the offender to conviction, and the other moiety for the use of the poor of the city, district or township where the offence shall be committed; and for the second offence shall suffer imprisonment during the present war, and forfeit to the commonwealth one half of his or her lands and tenements, goods and chattels.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That the party giving information as aforesaid, shall be admitted a competent witness on the trial of offenders against this act; any law, custom or usage to the contrary in any wise notwithstanding.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That so much of the bills of credit aforesaid as have been received by the lieutenants and sub lieutenants of the city of Philadelphia and the several counties of this state, the collectors of taxes or other public dues, county treasurers, and all public agents for or on account of any tax, public due, militia fine or forfeiture whatever, shall, in the settlement of the accounts of the said officers and agents respectively, be estimated and paid at the same rate at which the said bills were received by them respectively.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the rate of exchange between continental currency and the bills of credit hereby made legal tender shall be, and hereby is declared to be seventy five of the former for one of the latter, which rate of exchange shall continue till the first day of February next; and the supreme executive council are hereby empowered and required from and after the first day of February, to publish in the several English and German newspapers, printed in the city of Philadelphia, in the first week in every month, the then rate of exchange between specie and continental money, which exchange so published in each

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of the Common-  
wealth.*Penalty on  
persons re-  
fusing to  
receive the  
bills equal  
in value to  
gold and  
silver, &c.Party in-  
forming  
declared a  
competent  
witness.Bills receiv-  
ed by pub-  
lic agents  
for any  
public due  
to be paid  
at the same  
rate as re-  
ceived.Rate of ex-  
change de-  
clared.and its con-  
tinuance.Supreme  
executive  
council to  
publish ex-  
change  
monthly.

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of the Common-  
wealth.*

month, shall be the exchange between continental money and the state money hereby made a legal tender.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the  
23d day of December, A. D. 1780.*

SAMUEL STERETT, clerk of the general assembly.

## CHAPTER CXC.

*An ACT for an impost on goods, wares and merchandize imported into this state.*

Preamble.

SECTION 1. WHEREAS in and by an act of assembly of this commonwealth, intitled, “*An Act for the regulation of navigation and trade in this state,*” passed on the tenth day of September, which was in the year of our Lord one thousand seven hundred and seventy eight, among other things it was enacted and directed, “That the master of any ship or other vessel, except ships or vessels of war, privateers and their prizes, arriving at any port of this state, shall, within forty eight hours after such arrival, repair to the naval office in the city of Philadelphia, and there exhibit and deliver to the naval officer of this state, a true manifest, signed by the said master, of all the goods, wares and merchandize, laden and imported in such ship or vessel, setting forth the packages, marks and number thereof, and the nature and quantity of their contents, in number, weight and measure, as they are commonly counted, estimated and sold; and also his own name and surname, the name and burthen of his ship or vessel, the names and abode of the owner or owners thereof, the country, port or place where the said cargo was shipped, together with such documents as are usually furnished in such place of lading, to masters of vessels sailing from thence with goods, wares, and merchandize.

SECT. 2. And whereas it is necessary at this time for the public service, that further and other funds besides the taxes on estates real and personal should be established.

SECT. 3. And whereas considerable sums may be levied by a small impost on goods and merchandize imported into this state, without burthening commerce.

SECT. 4. Be it enacted, and it is hereby enacted, by the representatives

representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the first day of February next, there shall be raised, collected and paid, the duties herein after set forth and particularised, upon all goods wares and merchandize, except as herein after excepted, that is to say; upon every gallon of rum, brandy and other spirituous liquors, two pence. Upon every gallon of Madeira wine, four pence. Upon all other wines two pence. Upon all wines in bottles, six pence per dozen. Upon every hundred weight of unrefined sugar, one shilling. Upon every hundred weight of loaf sugar, one shilling and six pence. Upon every gallon of molasses, one penny. Upon every hundred weight of coffee one shilling. Upon every hundred weight of cocoa, one shilling. Upon every pound of green tea, sixpence. Upon every pound of bohea and other tea, one penny. Upon all other goods and merchandize, one per centum upon the value thereof, to be estimated and fixed by the importer or his agent.

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of the Common-  
wealth.

Duties on  
goods &c.

SECT. 5. And be it further enacted by the authority aforesaid, That if the naval officer, in behalf of the commonwealth, shall tender to the importer the sum of money at which any specific quantity of goods imported into this state shall be valued as aforesaid, together with ten per centum over and above such sum, the property of the said goods, together with the casks and other packages wherein they shall be contained, shall thereupon vest in the commonwealth, and the importer shall be liable for all freight and other charges which shall have accrued upon the same previous to the landing, and a permit shall be granted for the landing of such goods for the use of the state; and the commonwealth, if necessary, may sue for and recover the possession of such goods, for which tender shall be made as aforesaid, by action of detinue, trover and conversion, or replevin, as may be thought best.

Naval Offi-  
cer tender-  
ing value of  
the goods,  
and ten per  
cent. the  
property  
thereof,  
together  
with the  
casks, &c.  
to vest in  
the com-  
mon-  
wealth.  
Importer  
liable for  
freight,  
&c. previ-  
ous to land-  
ing. &c.

SECT. 6. And be it further enacted by the authority aforesaid, That the said naval officer shall upon due entry of any goods, wares and merchandise imported as aforesaid, and upon payment of, or securing the duties imposed by this act, by a sufficient bond, payable within one month after the date of such bond, to the commonwealth, and not otherwise, grant a permit for the landing thereof.

Naval Offi-  
cer upon  
due entry  
of goods,  
&c. and  
payment of  
or securing  
the duties,  
may grant  
permit for  
landing.

SECT. 7. Provided always, That if the master of any ship or other vessel shall not, upon delivering his manifest to the said naval officer as aforesaid, pay or secure, as is herein before directed, the duties by this act imposed upon

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of the Common-  
wealth,Second pro-  
viso.

on the goods, wares and merchandize of which he shall make report, that each particular importer may pay or secure in manner aforesaid, the duties imposed and payable on his own property, and such importer shall thereupon be entitled to a permit for the landing of the same.

SECT. 8. *Provided also,* That if any goods, wares and merchandize, imported into this state, and which shall be liable to any duty by virtue of this act, shall remain in any ship or other vessel after ten days, to be reckoned from the arrival of such ship or vessel, without the said duty being paid or secured as aforesaid, it shall and may be lawful for the master of the ship or vessel in which such goods remain, and who shall not be willing to pay or secure the duties thereon, to deliver the same to the said naval officer, to be warehoused or otherwise secured and kept at the charge and risque of the owner thereof; and such delivery shall exonerate the said master. And the said naval officer shall keep all goods, wares and merchandize so delivered to him, other than perishable goods, for and during the term of three months, after which, being first appraised, they may be sold at auction by the naval officer upon the order of the president and council, and the money thence arising after the said duty and all charges shall be deducted, shall be lodged with the state treasurer, for the use of the owner.

Penalty on  
masters and  
others un-  
loading  
without  
permission,  
&c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if the master of any ship or vessel, or other person, shall unload or discharge out of any ship or vessel, being in the river Delaware, or any branch thereof, any goods, wares or merchandize, with intent to land the same within this state, before entry, and without having obtained a permit for so doing; or if any person shall be aiding and assisting in landing or in conveying or housing the same, every such person so offending, shall forfeit and pay any sum not exceeding five hundred pounds; and all goods, wares and merchandize so landed, or the value thereof, shall be forfeited, and the goods shall be seized by the said naval officer or his deputy.

Power of  
the naval  
officer, his  
deputy  
and assist-  
ants, to en-  
ter vessels  
and houses,  
where they  
suspect  
goods lia-  
ble to duty  
are conceal-  
ed, &c.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said naval officer or his deputy and assistants, shall have full power and authority by virtue of this act, to enter any ship or vessel, and into any house or other place where he shall have reason to suspect that any goods, wares or merchandize, liable to the said duty, shall be concealed, and therein to search for the same, and to do all other things which shall be necessary to secure the said duties, or to seize and secure any goods, wares or merchandize

merchandise which he shall suppose to be forfeited. And in case of refusal or opposition, having first obtained from the justices of the supreme court or any two of them, or in their absence from any two justices of the peace of the proper city or county, a writ of assistance, shall break open doors, and remove obstacles, and do and perform every and all other things, which by this act he is authorised to do.

SECT. 11. *Provided always,* That no search of any dwelling shall be made in manner aforesaid, until due cause of suspicion hath been shewn to the satisfaction of a justice of the supreme court, or of a justice of the peace, as in the case of stolen goods, nor before sun rise, nor after sun setting.

SECT. 12. *And be it further enacted by the authority aforesaid,* That all masters of vessels, and other persons trading and plying in the Delaware, and coming into any port or place within this state, having on board any ship, sloop, shallop or other vessel any of the goods liable to pay the duties imposed by this act, shall, and they are hereby required and enjoined to observe and comply with the directions of this act, under like pains, penalties and forfeitures as in the case of ships and other vessels arriving from beyond sea. *Provided,* That no river vessel shall be hereby obliged to pay any greater fee than two shillings for exhibiting a manifest of any goods liable to the said duty.

SECT. 13. *And whereas* the penalties, imposed by the Preamble, act herein before recited, will be hereafter insufficient to enforce the exhibiting of manifests, by masters of ships arriving in the ports of this state :

SECT. 14. *Be it therefore enacted by the authority aforesaid,* That if any master of any ship or vessel, arriving in any port of this state, shall neglect or refuse to exhibit the manifest of his cargo, by the said recited act enjoined, in the manner and within the time therein prescribed, every such master so offending, shall forfeit and pay the sum of one thousand pounds.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the several fines, penalties and forfeitures which shall be incurred by any offence against this act, or against the act aforesaid, may be prosecuted and recovered, if the same shall be under the value or sum of fifty pounds, before any two justices of the proper county, with appeal to the quarter sessions, where the same shall be finally determined, as in the case of fines, penalties and forfeitures inflicted by the excise laws of this

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of the Common-  
wealth.In case of  
refusal or  
opposition,  
to break o-  
pen doors.  
Proviso.Persons  
trading in  
the Dela-  
ware and  
coming into  
port with  
goods in any  
vessel liable  
to duties, to  
comply  
with this  
act.

Proviso.

Penalty on  
masters of  
vessels for  
not exhib-  
iting their  
manifestsFines, pe-  
nalties and  
forfeitures,  
how to be  
recovered,  
&c.

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*The fourth Year  
of the Common-  
wealth.*

state and no certiorari shall lie in such case; but if the same shall exceed the value or sum of fifty pounds, then in the proper county court of common pleas, or in the supreme court, at the election of the prosecutor, and shall be distributed, one moiety thereof to the prosecutor, and the other moiety to the commonwealth; and in every prosecution, against goods seized, as forfeited by virtue of this act, the onus probandi shall lie upon the claimant and not upon the prosecutor, and no claim for the same shall be admitted before security be entered for the costs of suit.

## Proviso.

SECT. 16. *Provided always, and it is further enacted by the authority aforesaid,* That if the naval officer or any other person shall be sued or prosecuted for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence for his justification; and if upon trial thereof a verdict shall be given, or upon demurrer judgment shall go for the defendant, or if the plaintiff or prosecutor shall become non-suit, or discontinue, or fail of prosecution, the defendant shall recover treble costs of suit.

SECT. 17 *Provided also,* That no suit, for any thing done in pursuance of this act, shall be brought, unless such suit be commenced within one year next after the injury or pretended injury shall be done or committed.

*Naval offi-  
cer to keep  
fair ac-  
counts of  
his doings,  
etc.*

SECT. 18. *And be it further enacted by the authority aforesaid,* That the said naval officer shall keep fair, distinct and true accounts of all his doings, relative to the premises; and shall once in every month pay over to the treasurer of the state all monies belonging to the commonwealth, which shall come to his hands, and shall submit all his books and papers at all times to the inspection of the president and council, or of such person as they shall authorise for that purpose; and shall once in every year, or oftener, if required, settle his accounts with the auditors of the public accounts, or otherwise, as the general assembly for the time being shall direct. And the said naval officer, for his reward in executing this act, shall be intitled to an half per cent. on the whole of the monies by him received and paid, and two shillings from the party executing any bond, for each bond he shall take as aforesaid, and to no other satisfaction.

*Duties to  
be paid in  
gold or sil-  
ver as they  
passed in  
1775, or  
other mo-  
ney equiva-  
lent.*

SECT. 19. *And be it further enacted,* That the said duties shall be payable in gold and silver, as the same was taken in payments and passed current in the late province of Pennsylvania, on the first day of January which was in the year of our Lord one thousand seven hundred and se-

venty

venty five, or other current money equivalent; and all fines and penalties and other monies in this act mentioned shall be deemed, accounted, levied, satisfied and paid accordingly.

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wealth.

SECT. 20. *And be it further enacted by the authority aforesaid,* That the said naval officer shall give bond to the commonwealth, with two sufficient sureties, in the sum of ten thousand pounds, of gold and silver money aforesaid, or other money equivalent, conditioned for the due and faithful performance of, as well the duties required of him by this act, as of those enjoined upon him by the act of assembly herein before recited. And the sureties offered by the said naval officer, shall be subject to the approbation of the president and council, and the bond given by him shall be recorded and filed in the office of the secretary of the supreme executive council. And the naval officer may appoint a deputy or deputies, for whom he shall be answerable.

Naval offi-  
cer to give  
bond with  
two sureties  
for his fide-  
lity.

SECT. 21. *Provided always,* That nothing in this act shall give any authority to demand or collect any impost or duty on common salt, salt petre, gun powder, lead or shot, or on prize goods, or on goods, wares and merchandize of the growth, product or manufacture of the united states of America, or any of them.

SECT. 22. *And whereas* it is just and necessary, that the re-payment of any loan or loans which have been or may be negotiated in consequence of certain resolutions of the late assembly, passed the twenty ninth day of May last, should be provided for and secured.

Proviso.

Preamble.

SECT. 23. *Be it therefore enacted by the authority aforesaid,* That so much of the said duties, as may amount to the loan or loans negotiated as aforesaid, shall be reserved and set apart in the hands of the state treasurer, subject to the orders of the supreme executive council, for the express purpose of discharging the full amount of the said loan or loans, together with the interest which may accrue thereon, according to the terms upon which the said loan or loans have been or shall be procured.

Amount of  
a loan to be  
set apart in  
the hands  
of the trea-  
surer, &c.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday the  
23d day of December, A. D. 1780.*

*SAMUEL STERETT, clerk of the general assembly.*

1780.

The fourth Year  
of the Commonwealth.

## CHAPTER CXI.

*An ACT to compleat the quota of the federal army  
assigned to this state.*

Preamble.

SECTION 1. WHEREAS the practice of enlisting soldiers for short terms has been attended with great inconvenience and danger, to this and the united states, in creating a necessity of frequently calling forth the militia at a very heavy expence, and waste of important time, and by reducing the force in the field at critical periods to a number vastly inadequate to the service: for the prevention of which in future the legislature conceive it to be absolutely necessary, to raise with all possible expedition a sufficient number of troops, to complete the quota of the army required of this state by the honourable the congress, to serve during the present war with Great Britain, and have therefore agreed, That

2700 men  
to be enlisted  
for the  
war by the  
city and se-  
veral coun-  
ties.

SECT. 2. It is enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That there shall with all convenient speed be enlisted, within this state, two thousand seven hundred able bodied men, to serve during the present war with Great Britain, who shall be raised and procured by or at the expence of the inhabitants of the city of Philadelphia, and the several counties of this state, in number and according to the proportion following, to wit; by the city and county of Philadelphia, eight hundred and ninety five; the county of Bucks, one hundred and seventy seven; the county of Chester, two hundred and eighty four; the county of Lancaster, three hundred and eighty four; the county of York, two hundred and fourteen; the county of Cumberland, two hundred and two; the county of Berks, one hundred and ninety three; the county of Northampton, one hundred and twelve; the county of Bedford, sixty one; the county of Northumberland, seventy five; and the county of Westmoreland, one hundred and three.

Commissi-  
oners to di-  
rect asses-  
sors to meet  
at certain  
times and  
places,

SECT. 3. And be it further enacted by the authority aforesaid, That the commissioners of the city and several counties of this state respectively, or any two of them, shall direct the assessors of the several townships, wards and districts in the said city and counties respectively, to meet at the times and places herein after mentioned, that is to say in the city and counties of Philadelphia, Bucks, Chester, Lancaster, Berks and Northampton, on or before the twenty second day of January next; and in the coun-

ties

ties of York, Cumberland, Bedford, Northumberland and Westmoreland, on or before the first day of February next; at the usual place of holding courts in the said city and counties respectively, or at such other place or places where the said commissioners shall think most convenient, and shall then and there, in conjunction with the said assessors, proceed to class the taxable persons and property within the said city and counties respectively, in such manner that the said property, together with a proportionable sum on all taxable single freemen, shall be divided into as many equal parts as the said quota of men, which the said city and counties respectively are by this act required to enlist, shall consist of, paying due regard to the ease and convenience of the inhabitants, by including those who reside near to each other within the same class; and shall transmit to the several classes, by persons by them to be appointed for that service, an order in writing under the hands of the said commissioners, or any two of them, with a duplicate annexed, containing the names of each and every person composing the same, requiring each of the said classes to enlist during the war, and deliver to the proper officer, one able bodied recruit within fifteen days thereafter.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That every class which shall deliver a soldier, who was enlisted during the present war and hath deserted the service, to the officer appointed as aforesaid, shall be excused from furnishing a recruit as above required.

**SECT. 5.** *Provided always,* That nothing herein contained shall authorise any person or persons to enlist any deserter from the British army, or from the navy of the united states, as a recruit for the class to which he belongs, or for any other.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That if any class or classes shall neglect or refuse to enlist one able bodied recruit as aforesaid, within the time limited and directed, or to make return thereof to the assessor of the proper township, ward or district, it shall and may be lawful for the said commissioners, or any two of them, and the assessor of such ward, district or township, where such neglect or refusal shall happen, to proceed and levy on each class so neglecting or refusing, a tax not exceeding fifteen pounds specie, or other current money equivalent, on the persons severally composing such class or classes, in equal proportions, according to the last public tax levied therein, which they are hereby enjoined and directed to do within two days after

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of the Commonwealth.

and in con-  
junction  
class taxa-  
ble persons  
and proper-  
ty in a cer-  
tain man-  
ner.

classes to be  
notified,  
&c.

Class deli-  
vering a  
deserter to  
be excused  
from fur-  
nishing a re-  
cruit.  
Proviso.

Penalty on  
classes ne-  
glecting or  
refusing to  
enlist re-  
cruits.

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of the Common-  
wealth.**How dis-  
putes about  
the pay-  
ment of re-  
cruits are  
to be ad-  
justed, &c.**Supreme  
executive  
council to  
appoint  
officers to  
recruit and  
receive re-  
cruits, &c.**Recruits to  
be attested  
before a  
justice of  
the peace,  
&c.**Monies  
paid by  
persons in  
legal trust  
to be al-  
lowed, &c.**Recruits to  
be intitled  
to a suit of  
cloaths  
yearly, and  
all pay, &c.**Penalty on  
commission-  
ers not per-*

such neglect or refusal, and shall cause the same to be levied, collected and paid in the manner at present in force and practice, with respect to other taxes.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That where any class or person therein shall furnish such recruit, and any dispute may arise about the sum or sums of money which any person or persons therein should or ought to pay towards the enlistment of such recruit, or shall neglect or refuse to pay their proportion thereof, the same shall be adjusted, collected and paid in the manner directed in the foregoing clause, for the levying, collecting and paying the expences of enlistment, in cases where the classes have neglected or refused.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That the supreme executive council be, and they are hereby authorised and impowered to appoint an officer or officers for the purpose of recruiting and taking all recruits in charge, that shall be enlisted in pursuance of this act, and make such drafts on the treasurer of the state, for the filling up the aforesaid quota of troops in the city of Philadelphia, and the several counties, as by them from time to time shall be judged necessary, in favour of such officer or officers to be by them appointed for the service aforesaid, so as the sums drawn for do not exceed the penalties incurred by the delinquent classes.

**SECT. 9.** *And be it further enacted by the authority aforesaid,* That every such recruit enlisted for any class, shall be attested before the next or some justice of the peace, and if accepted by him, shall by one of the said classes be delivered to the nearest officer appointed for that purpose, who, upon the receipt of such recruit and certificate from the said justice of the peace of his having been attested as above, shall give a receipt in favour of such class for said recruit.

**SECT. 10.** *And be it further enacted by the authority aforesaid,* That all monies paid by executors, guardians or others, in legal trust, in right of another, in pursuance of this act, shall be allowed in their accounts, at the time of the settlement thereof.

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That every recruit, so enlisted and entered into the army, shall receive one compleat suit of cloaths each year, and at the end of the war two hundred acres of land, and all other pay, gratuities and exemptions that other soldiers in the line of this state are or shall be intitled to.

**SECT. 12.** *And be it further enacted by the authority aforesaid,*

*aforesaid*, That any county commissioner herein required to perform certain duties, and neglecting or refusing so to do, according to the true intent and meaning of this act, (except in case of sickness or removal) shall be fined by the supreme executive council of this state, in any sum not exceeding five hundred pounds. And any assessor, collector or other person required in pursuance of this act to perform any duty, and neglecting or refusing to perform the same, (except as above excepted) shall be fined in any sum not exceeding one hundred pounds, by the commissioners of the city or any of the counties of this state, or any two of them, where the offence may happen, who shall appoint another or others in their stead.

SECT. 13. *And whereas* it may happen that a part or the whole of the property in some of the said classes may not have any person in the occupation or possession thereof, or resident thereon, to represent it;

SECT. 14. *Be it therefore enacted by the authority aforesaid*, That the collector of the township, ward or district, wherein such property may be found, shall give speedy information thereof to the commissioners of the county, who shall without delay publish, or cause to be published, in some of the newspapers printed in the city of Philadelphia for three weeks successively, an account of all property so circumstanced in their said county, and of the sum or sums of money chargeable thereon, requiring the owner or owners to make payment thereof to the proper person, at or before the expiration of two months from the date of such publication; and on failure of such payment at the expiration of such term, the commissioners of the proper county, or any two of them, may, and they are hereby authorised, impowered and required, to expose such property, or as much thereof as may be necessary to pay such sum or sums of money, with reasonable costs, to sale at public auction, and after due and public notice given of such intended sale for at least ten days, to sell the same to the highest and best bidder; and the said commissioners, or any two of them, shall convey any houses, lands or tenements so sold, to the purchaser or purchasers thereof in fee simple, or for such estate as the delinquent owner thereof held the same, which shall be good and valid in law; and the said commissioners after deducting the sum or sums of money aforesaid, and the reasonable costs, shall return and pay the overplus of the consideration money, if any, to the owner or owners when thereunto required.

SECT. 15. *And be it further enacted by the authority aforesaid*, Tenants to be account-able for

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wealth.*

forming  
their duty,  
and on as-  
sessors, col-  
lectors and  
others.

Preamble.

How col-  
lectors and  
commission-  
ers are to  
proceed in  
cases where  
lands are  
unoccupi-  
ed, &c.

## HIS EXCELLENCE

1780.

*The fourth Year  
of the Common-  
wealth.**fums charg-  
ed on lands  
in their pos-  
session, and  
may dis-  
count the  
same out of  
therent,  
&c.  
How the  
persons car-  
rying orders  
&c. to the  
classes are  
to be re-  
warded.*

*aforesaid, That all tenants in possession shall be accountable for, and pay any sum or sums of money, charged by virtue of this act on the lands in his or her possession, and may discount the same out of his or her rent; and in case one year's rent should prove insufficient to defray the same, the said lands shall be liable for the sums charged thereon, and the same, or such parts thereof as may be sufficient, may be sold therefor in the manner prescribed in the foregoing clause.*

**SECT. 16.** *And be it further enacted by the authority aforesaid, That the persons to be appointed by the commissioners of the city and several counties, to transmit and deliver to the several classes their order with the duplicate herein before mentioned, shall be paid such reasonable rewards respectively for that service, as shall be agreed for by drafts of the said commissioners, or any two of them, on the treasurer of the proper county, who is hereby directed to answer and discharge the same out of any money in his hands belonging to such county, and unappropriated.*

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the  
23d day of December, A. D. 1780.*

*SAMUEL STERETT, clerk of the general assembly.*

1781.

The fifth Year  
of the Commonwealth,

## LAW S

Enacted in the second sitting of the fifth general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, on *Tuesday* the sixth day of *February*, in the year of our Lord 1781.

## CHAPTER CXCII.

*An ACT to suspend the operation of the several laws of this commonwealth, making the bills of credit made current by the resolves of the late assemblies of Pennsylvania, and the bills of credit issued by the assembly of this state, the twentieth day of March, in the year of our Lord one thousand seven hundred and seventy seven, legal tender.*

SECTION I. WHEREAS the depreciation of the Preamble. **W**HENCEAS the bills of credit issued by the resolves of the late assemblies of Pennsylvania, and made legal tender by a law of this state, passed on the twenty ninth day of January, one thousand seven hundred and seventy seven, and of the bills of credit of this state, issued by an act passed on the twentieth day of March, one thousand seven hundred and seventy seven, now in circulation, and the speculation that has taken place in consequence thereof, have opened a door to numerous frauds, and may operate to the general injury of virtue and morality, and to the great dishonour of the state, unless timely prevented: And whereas many of the good citizens of this state have in their petitions to this house, set forth the very mischievous and alarming consequences of continuing the same bills of credit a legal tender, and praying that the laws making them a legal tender may be repealed, or suspended:

## HIS EXCELLENCE

1781.

The fifth Year  
of the Common-  
wealth.Laws mak-  
ing the bills  
legal ten-  
der, suspen-  
ded.

Proviso.

Proviso.

**SECT. 2.** Be it therefore enacted and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the passing of this act, so much of the several acts of assembly of this state, as makes the said bills of credit a legal tender, shall be, and is hereby suspended, any thing in the said laws to the contrary in any wise notwithstanding.

**SECT. 3.** Provided always nevertheless, That this act shall not extend, or be construed to extend to any sheriff, attorney, executor, administrator, guardian, or other person having received money by legal authority in right of another, but that it shall and may be lawful to make payment in all such cases, as might have been done before the passing of this act, any thing herein contained to the contrary notwithstanding.

**SECT. 4.** Provided also, That nothing in this act contained shall prevent, or be construed to prevent, the bills of credit aforesaid from being of the same value in the payment of taxes, and all other debts and demands whatsoever, as the bills of credit of the united states issued before the eighteenth day of March last.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Tuesday, the  
20th day of February, A. D. 1781.*

SAMUEL STERETT, clerk of the general assembly.

## CHAPTER CXCIII.

*An ACT to repeal the act, intitled, "An Act to revive  
and continue for a farther limited time, the act for  
laying an embargo on the exportation of provisions  
from this state, by sea, for a limited time;" and also  
certain parts of an act, intitled, "An Act to permit the  
exportation of flour of wheat from this state, by sea,  
under certain limitations and restrictions."*

Preamble.

**SECTION 1.** WHEREAS it has been found by experience, that prohibitions on the commodities of this country, have tended greatly to the impoverishment thereof, without producing any adequate benefit to the community:

Act re-  
pealed.

**SECT. 2.** Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania,

*Pennsylvania,*

Pennsylvania, in general assembly met, and by the authority of the same, That the act intitled, "An Act to revive and continue for a further limited time, the act for laying an embargo on the exportation of provisions from this state, by sea, for a limited time," passed on the twenty second day of September last, be, and the same is hereby repealed.

SECT. 3. And whereas the limitations and restrictions contained in the act intitled, "An Act to permit the exportation of flour of wheat from this state, by sea, under certain limitations and restrictions," have been productive of mischievous consequences to this state, and cannot be attended with the advantages expected by the legislature, by reason of the full liberty given to commerce in a neighbouring state :

SECT. 4. Be it therefore enacted, by the authority aforesaid, That the said last mentioned act, and every clause, proviso and thing therein contained, except the permission to export the flour therein mentioned, be, and the same is hereby repealed; excepting also the clause obliging all persons shipping flour of wheat, to offer or tender a quantity equal to one third part of the quantity to be shipped, unto the proper officer appointed by the president and council for that purpose, as is more fully and particularly expressed in the seventh section of the said act.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

Enacted into a law at Philadelphia, on Tuesday, the  
27th day of February, A. D. 1781.  
SAMUEL STERETT, clerk of the general assembly. §

1781.  
The fifth Year  
of the Common-  
wealth.

## C H A P T E R CXCIV.

An ACT to dissolve the marriage of Giles Hicks with his wife Hester Hicks, late Hester M'Daniel.

Passed March 9th, 1781. Recorded in Law Book, Vol. I. Page 416, &c.  
A private act.

1781.

The fifth Year  
of the Common-  
wealth.

## CHAPTER CXCV.

*A further supplement to the act, intitled, "An Act for making the river Schuylkill navigable, and for the preservation of the fish in the said river."*

Preamble.

SECTION 1. WHEREAS several of the commissioners nominated and appointed in and by the act of assembly, passed on the twenty sixth day of February, in the year of our Lord one thousand seven hundred seventy and three, intitled, "*A supplement to the act, intitled, An Act for making the river Schuylkill navigable, and for the preservation of the fish in the said river,*" have since the passing of the same, departed this life, removed from the neighbourhood of the said river, or engaged in other busines, so that the regulations and provisions in the said act contained, to which this act is a further supplement, cannot now be properly carried into execution :

Commissioners appointed for clearing the river, &c. and putting in execution the former acts.

SECT. 2. Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That David Rittenhouse, Owen Biddle, Mark Bird, Balser Gheer, Thomas Potts, David Thomas, Patrick Anderson, John Mear, Isaac Hewes, Nathan Levering, George Douglass, John Hiester and Christian Steer, shall be and they are hereby appointed commissioners for clearing, scouring, and making the river Schuylkill navigable, and for putting in execution all and singular the purposes mentioned in the act passed the fourteenth day of March, in the year of our Lord one thousand seven hundred sixty and one, intitled, "*An Act for making the river Schuylkill navigable, and for the preservation of the fish in the said river,*" or contained in the above recited supplement thereto ; and that they, or a majority of them, or of the survivors of them, shall have, hold, and exercise, all and every the powers, authorities, jurisdictions, rights and privileges, given and granted in and by the said recited act, to the commissioners therein appointed, and shall be subject to the same duties to all intents and purposes, as if they had been the commissioners therein particularly appointed.

To have the same powers, and to perform the same duties as former commissioners, &c.

The survivors of the former commissioners to deliver to the commissioners appoint-

SECT. 3. And be it further enacted by the authority aforesaid, That the surviving commissioners appointed by the said recited act, intitled, "*A supplement to the act, intitled, An Act for making the river Schuylkill navigable, and for the preservation of the fish in the said river,*" shall, and they are hereby enjoined and required,

ed, immediately after the passing of this act, to deliver over to the commissioners herein before appointed all and every the sum and sums of money by them, or either of them, collected or received, and remaining in their or either of their hands, unappropriated and unapplied to the purposes mentioned in the said recited act, together with all books, subscriptions, and other papers, vouchers and accounts, and all tools and implements; which have been provided for opening and clearing the said river, and are or shall be in their or any of their custody, power or possession.

1781.

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of the Common-  
wealth.ed by this  
act, unap-  
propriated  
money,  
books, pa-  
pers, tools,  
&c.

SECT. 4. *And whereas it is represented to the legislature, that notwithstanding the good and wholesome regulations contained in divers acts of assembly now in force, for the preservation of fish in the said river Schuylkill, great injury is done by a practice of driving the said river with brush nets; for remedy whereof, Be it further enacted by the authority aforesaid,* That if any person or persons shall, from and after the publication of this act, take any fish whatsoever with brush nets, or such like devices, or shall drive the said river with such nets, or in any manner make use of the same therein, he, she or they so offending, being thereof convicted before any two justices of the peace, in and for the county, where he, she, or they shall be apprehended, (which justices are hereby authorized and impowered to hear, try, and determine the same,) shall forfeit for every such offence the sum of twenty pounds, one half thereof to be paid to the overseers of the poor of the township where such offender shall reside, for the use of the poor thereof, and the other half to the informer, and likewise pay the costs of prosecution. And moreover it shall and may be lawful to and for any person or persons whatsoever, to remove or destroy any such brush net, or other like device found in any part of the said river; and that all and every person or persons, who shall assault, hinder or obstruct any person in taking, removing or destroying any of the said brush nets, or other like device, in any part of the river aforesaid, and shall be thereof convicted in manner aforesaid, shall forfeit and pay for every such offence fifty pounds, one moiety thereof to the use of the poor as aforesaid, and the other moiety to the use of the party so obstructed or aggrieved.

Fine on  
person on tak-  
ing fish, or  
driving the  
river with  
brush nets,  
&c.How to be  
recovered,  
and how  
applied.Brush nets,  
&c. may be  
removed or  
destroyed.Fine on  
persons ob-  
structing  
such remov-  
al, &c.

SECT. 5. *Provided always, and be it further enacted by the authority aforesaid,* That no person or persons shall draw any seine or net, for the purpose of catching shad in that part of the river Schuylkill, between the mouth thereof and the lower falls, five miles from the city of

Proviso.  
Certain li-  
mitations  
and restric-  
tions re-  
specting  
the catch-  
ing shad, &c.

## HIS EXCELLENCE

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*The fifth Year  
of the Commonwealth.**Part supplementary act  
repealed.*

Philadelphia, after the twentieth day of May, or between said falls and the black rock, near the mouth of French creek, after the twenty fifth of said month, or in any part of the said Schuylkill river after the first day of June in every year, under the penalty of ten pounds, for every such offence, to be recovered as aforesaid.

SECT. 6. *And be it further enacted by the authority aforesaid,* That so much of the above recited supplementary act, as relates to the appointment of commissioners, shall be, and the same is hereby repealed, made null and void.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday the  
24th day of March, A. D. 1781.*

SAMUEL STERETT, clerk of the general assembly.

## CHAPTER CXCVI.

*An ACT for erecting part of the county of Westmoreland  
into a separate county.*

*Preamble.*

SECTION 1. WHEREAS the inhabitants of that part of Westmoreland county, which lies west of the Monongehela river, have represented to the assembly of this state, the great hardships they lie under, from being so remote from the present seat of judicature and the public offices; for remedy whereof,

*Boundaries  
of the coun-  
ty.*

SECT. 2. *Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That all that part of the state of Pennsylvania, west of the Monongehela river, and south of the Ohio, beginning at the junction of the said rivers; thence up the Monongehela river aforesaid, to the line run by Mason and Dixon; thence by the said line due west to the end thereof; and from thence the same course to the end of five degrees of west longitude, to be computed from the river Delaware; thence by a meridian line extended north, until the same shall intersect the Ohio river; and thence by the same to the place of beginning (the said lines from the end of Mason and Dixon's line to the Ohio river, to be understood, as to be hereafter ascertained by commissioners now appointed or to be appointed for that purpose) shall be and the

*It's name.*

the same is hereby declared to be, erected into a county, henceforth to be called Washington.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Washington, shall at all times hereafter, have and enjoy all and singular the jurisdictions, powers, rights, liberties, and privileges whatsoever, which the inhabitants of any other county, within this state, do, may or ought to enjoy, by any charter of privileges, or the laws of this state, or by any other ways and means whatsoever.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the trustees, or any three of them, hereinafter appointed by this act, to take assurance of a piece of land, whereon to erect a court house and prison, shall on or before the first day of July next ensuing, divide the said county into townships or districts.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the inhabitants of each township or district, within the said county, qualified by law to elect, shall meet at some convenient place within their respective townships or districts, at the same time that the inhabitants of the several townships or districts, of the other counties, within this state, shall meet for like purposes and choose inspectors: and the inhabitants of the said county, qualified as aforesaid, shall (until otherwise ordered by the house of assembly) meet at the house of David Hoge, at the place called Catfishes Camp, in the aforesaid county, at the same time the inhabitants of the other counties shall meet for like purpose; and then and there, elect two representatives to serve them in assembly, one counsellor, two fit persons for sheriffs, two fit persons for coroners, and three commissioners, in the same manner, and under the same rules, regulations and penalties, as by the constitution and laws of this state is directed in respect to other counties; which representatives, so chosen, shall be members of the general assembly of the commonwealth of Pennsylvania, and shall sit and act as such, as fully and as freely, as any of the other representatives of this state, do, may, can or ought to do: And the said counsellor, when so chosen, shall sit and act as fully and as freely, as any of the other members of the supreme executive council of this state, do, may, can or ought to do.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the justices of the supreme court of this state, shall have like powers jurisdictions and authorities, within the said county of Washington, as by law they are vested with and intitled to in the other counties within this

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The fifth Year  
of the Common-  
wealth.Rights pri-  
vileges, &c.  
of the inhab-  
bitants.County to  
be divided  
into town-  
ships, &c.Inhabitants  
to chose in-  
spectors.Place of e-  
lection.  
Two repre-  
sentatives  
in assembly,  
&c. to be  
chosen.Justices of  
the su-  
preme  
court to  
have like  
powers, &c.

## HIS EXCELLENCE

1781.

The fifth Year  
of the Common-  
wealth.Justices of  
the peace  
to be elect-  
ed.Inspector  
and assist-  
ant judges  
to be first  
elected.

Their duty.

Qualifica-  
tion of the  
inspectors  
and judges.Justices to  
hold courts  
of general

this state; and are hereby authorised and impowered, from time to time, to deliver the jails of the said county of capital and other offenders, in like manner as they are authorised to do in the other counties of this state.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That the freeholders of each township or district, in the county aforesaid, are hereby authorised and required, to meet on the fifteenth day of July next, at some proper and convenient place, and elect two fit persons for justices of the peace for each township: But before the freeholders of the respective townships or districts in the said county, shall proceed to the election of two fit persons for justices of the peace, they shall, on the same day and at the place appointed for the election, elect one sufficient person for inspector, and two persons for assistant judges; and the said judges shall assist the said inspector, in receiving and counting the votes of the electors, and in preventing frauds and impositions therein; and when the elections are finished, and the numbers cast up, the inspector and judges aforesaid, or a majority of them, shall forthwith transmit a certificate thereof, under their hands and seals, to the president and council, and one half the number so elected in each township or district, shall be commissioned according to the constitution of this state.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That before the inspectors and judges aforesaid proceed to receive the votes of the freeholders in their respective townships or districts, they shall take an oath or affirmation to the following effect, speaking the words themselves, without any person administering the same, to wit, (if an inspector) "I do swear, (or I do solemnly, sincerely and truly declare and affirm,) that I will well and faithfully receive, and cast up all the freeholders votes within my township or district, qualified by law to vote, as may be offered to me at this election, for fit persons for justices of the peace, and I will not refuse any vote through prejudice or ill will, nor receive any through favour or affection; but will behave myself as an honest inspector of this election, according to the best of my skill and judgment." And if a judge of the election, as follows, viz. "I will faithfully assist the inspector of this election, in performing the duties required of him by this act, according to the best of my skill and judgment."

**SECT. 9.** *And be it enacted by the authority aforesaid,* That when the persons elected for justices of the peace,

as aforesaid, or that shall be appointed by the president and council, have taken the oaths or affirmations required by the laws of this commonwealth, and received their commissions as directed in the constitution of this state, the said justices or any three of them, shall and may hold courts of general quarter sessions of the peace and jail delivery, and county courts for holding of pleas; and shall have all and singular the powers, rights, jurisdictions and authorities, to all intents and purposes, as other justices of the courts of general quarter sessions, and justices of the county courts, for holding of pleas in the other counties in this state, may, can, or ought to have in their respective counties; which said courts shall sit and be held for the said county of Washington, on the Tuesdays next preceding Westmoreland county courts, in every of the months of January, April, July and October, at the house of David Hoge aforesaid, in the said county of Washington, until a court house shall be built; and when the same is built and erected in the county aforesaid, the said several courts shall then be holden and kept at the said court house on the days before mentioned.

**SECT. 10.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for James Edgar, Hugh Scott, Van Swearingham, Daniel Lite, and John Armstrong, or any three of them, to take up or purchase, and take assurance to them and their heirs, of a piece of land situated in some convenient place in the said county, to be approved of by the president and supreme executive council, in trust and for the use of the inhabitants of the said county, and thereupon to erect and build a court house and prifon, sufficient to accommodate the public service of the said county.

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That for the defraying the charges of purchasing the land, and building and erecting the court house and prison aforesaid, it shall and may be lawful to and for the commissioners and township assessors of the said county, or a majority of them, to assess and levy, and they are hereby required to assess and levy in the manner directed by this act for raising county rates and levies, so much money as the said trustees, or any three of them shall judge necessary, for purchasing the land and finishing the said court house and prison.

**SECT. 12.** *Provided always,* That the sum of money to be raised do not exceed one thousand pounds current money of this state.

**SECT. 13.** *Provided also,* and be it further enacted by the

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*The fifth Year  
of the Common-  
wealth.**quarter ses-  
sions, &c.  
Their pow-  
er.**Time and  
place of  
holding  
courts.**Commissi-  
oners to  
purchase a  
lot to build  
a court  
house and  
prison up-  
on.**Mode of de-  
fraying the  
expence.*

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of the Common-  
wealth.

*the authority aforesaid,* That no action or suit now commenced or depending in the said county of Westmoreland, against any person living within the bounds of the said county of Washington, or elsewhere, shall be stayed or discontinued by this act, or by any thing herein contained, but the same actions already commenced or depending may be prosecuted, and judgment thereupon rendered, as if this act had not been made. And that it shall and may be lawful to and for the justices of the said county of Westmoreland, to issue any judicial process to the sheriff of the county of Westmoreland aforesaid, for carrying on and obtaining the effect of their suits; which sheriff shall be obliged to yield obedience in executing the said writs, and to make due return thereof to the justices of the court of the said county of Westmoreland, in the same manner as if the parties lived and resided within the same.

Collector of  
excise ap-  
pointed.

**SECT. 14.** *And be it further enacted by the authority aforesaid,* That Henry Taylor of the said county of Washington, be, and is hereby appointed collector of excise of the same county; and is hereby empowered, by himself, or his sufficient deputy duly constituted, and for whom he shall be accountable, to demand, collect, receive and recover the excise directed to be paid any act or acts of assembly of this state, and also the arrearages thereof, of and from all and every person or persons within the said county, retailing, vending or consuming any of the liquors by the said acts liable to pay the same, and also to recover and receive all and every the duties, fines and forfeitures laid or imposed, or that shall become due for any thing done contrary to the intent of the said act.

Collector of  
Westmore-  
land to fur-  
nish him  
with a list  
of those in  
arrear, &c.

**SECT. 15.** *And be it further enacted by the authority aforesaid,* That the said collector of excise for the county of Washington aforesaid, the better to enable him to recover the arrearages of excise which shall be due before the passing of this act, shall apply to the collector of excise for the county of Westmoreland, for a list, (which the collector of the said county of Westmoreland is hereby enjoined and required to deliver) containing the names of each and every person in arrear for excise within the said county, and how much from each of them.

To give se-  
curity, &c.

**SECT. 16.** *And be it further enacted by the authority aforesaid,* That the collector of the county of Washington aforesaid, before he enters upon the execution of his said office, is hereby required to give bond, with two suffi-

cent

ent furesies to the treasurer of this state for the time being, in the sum of two hundred pounds, current money of the said state, for the faithful discharge of his duty, and for paying all such sums of money as he shall from time to time receive by virtue of this act: And further, the collector of the said county of Washington shall in all things govern himself, and be subject to the same regulations, restrictions, fines and forfeitures, and shall observe like rules, orders and directions, as the collectors of the other counties aforesaid, by the laws of this state, are liable to. And the said collector, for the discharge of the duty of his office within the said county of Washington, shall have and receive like fees, perquisites and rewards for his services enjoined by this act, as the other collectors aforesaid, (the collector of Philadelphia county excepted) by the acts aforesaid, are intitled to for their services.

SECT. 17. *And be it further enacted by the authority aforesaid,* That until a sheriff and coroner shall be chosen in the county of Washington, in pursuance of this act it shall and may be lawful for the sheriff and coroner of Westmoreland to officiate and act in the discharge of their respective duties as fully and amply as they may or can do in the county of Westmoreland.

SECT. 18. *And be it further enacted by the authority aforesaid,* That before any sheriff hereafter to be appointed and commissioned for the said county of Washington, shall enter upon the duties of his office, he shall become bound in an obligation, with two or more sufficient sureties to be approved of by the president of this state for the time being, in the sum of one thousand pounds, and with like conditions as is directed with respect to the sheriffs of the other counties within this state; which said obligation shall be taken in the name of the commonwealth of Pennsylvania, and entered upon record in the office for recording of deeds in the said county of Washington, and shall be in trust to and for the use and benefit of the person or persons who shall be injured by any breach, neglect or omission of duty in such sheriff, and may be proceeded upon in the same manner as is directed in respect to other sheriff's bonds in and by the laws of this commonwealth now in force; and that the treasurer hereafter to be appointed for said county, for receiving the state taxes, before he shall enter on the duties of his office shall give security in like manner as other county treasurers are by law directed to give security, in the sum of one thousand pounds, and that the treasurer for said county

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of the Commonwealth.To be sub-  
ject to the  
same rules,and to re-  
ceive like  
fees as o-  
ther collec-  
tors, ex-  
cept, &c.Sheriff and  
coroner of  
Westmore-  
land to offici-  
ate until,  
&c.Sheriff  
when elect-  
ed to give  
security,  
&c.and like-  
wise the  
county  
treasurer,  
&c.

1781.

The fifth Year  
of the Commonwealth.

county, for receiving the county levies, shall in like manner give security in the sum of five hundred pounds.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Wednesday, the  
28th day of March, A. D. 1781.*

SAMUEL STERETT, clerk of the general assembly.

### C H A P T E R C X C V I I .

*An ACT to prevent the attainder of Daniel Rundle, and Matthias Aspden, for a limited time, on condition that they render themselves to take their trial on or before a certain day therein limited and appointed.*

Preamble.

SECTION 1. WHEREAS his excellency the president, and the honorable the supreme executive council of this commonwealth, by their proclamation under the hand of the said president and the seal of the state, bearing date the twenty seventh day of July, in the year of our Lord, one thousand seven hundred and eighty, by virtue of the powers and authorities to them given, in and by an act of general assembly, intitled, "An Act for the attainder of divers traitors, if they render not themselves by a certain day, and for vesting their estates in this commonwealth, and for more effectually dis- covering the same, and for ascertaining and satisfying the lawful debts and claims thereupon," did charge and require amongst others, Daniel Rundle and Matthias Aspden, merchants, late of the city of Philadelphia, to render themselves to some or one of the justices of the supreme court or of the justices of the peace of one of the counties within this state, on or before the first day of April, then next following, and also abide their legal trials respectively, for high treason, on pain that they and each of them not rendering themselves as aforesaid, and abiding the trial as aforesaid, shall, from and after the first day of April, stand and be attainted of high treason, to all intents and purposes, and shall suffer such pains and penalties, and undergo all such forfeitures, as persons attainted of high treason ought to do. And whereas it is now made appear, that the said Daniel Rundle and Matthias Aspden were at the time of the said proclamation, and

and probably still are in Europe ; that their friends have used all lawful means in their power to convey intelligence to them of their being so proclaimed as aforesaid, but that there is very great reason to believe, that the said intelligence never has reached them ; and it being also shewn, that the said Daniel Rundle and Matthias Aspden were called to Europe about their own private affairs ; and it being alledged and insisted, that the said Daniel Rundle and Matthias Aspden will certainly render themselves up, and stand their trial for the matters alledged against them, if they can be indulged with time to a further day, and have notice of the proceedings here ; wherefore it has been prayed on their and each of their behalf, that the aid of the legislature may be interposed to stay their attainer ; for that no other power is supposed to be competent to that end ; which being just and reasonable,

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of the Common-  
wealth.

**SECT. 2.** *Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That further time be given to the said Daniel Rundle, and Matthias Aspden, and each of them, for rendering themselves respectively to one of the justices of the supreme court, or of the peace aforesaid, and abiding their trial aforesaid, for the term or space of nine months, to be computed from the day of passing this act.

Further time granted, &c.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That the said Daniel Rundle, and Matthias Aspden, or either of them, so as aforesaid, rendering himself to one of the justices aforesaid, on or before the thirty first day of December next, and abiding his trial aforesaid, he or they so rendering himself, and abiding his trial, shall not become attainted or suffer the penalties, or undergo the forfeitures of high treason, for, or on account of his not rendering himself, and abiding his trial on or before the day limited and prefixed in and by the same proclamation ; but that their and each of their attainers be staid, and that he or they so rendering himself or themselves, on or before the day herein before limited and appointed, and abiding his trial according to the purport, true intent and meaning of this act, shall and may be and remain free and clear from all and every attainer and attainers, other than such as may ensue upon a full and plain trial and the verdict of their country in due course of law ; any thing in the afore recited act of attainer or proclamation in any wise notwithstanding.

Attainer staid on condition, &c.

1781. *SECT. 4. Provided always, and be it further enacted by the authority aforesaid, That if the said Daniel Rundle, and Matthias Aspden, shall not render themselves respectively to some or one of the justices of the supreme court, or of the justices of the peace of one of the counties within this state on or before the said thirty first day of December, and also abide their legal trial for such treasons as may be alledged against them respectively; that then, and from thenceforth, he or they so not rendering himself as aforesaid, or not abiding the trial aforesaid, shall stand and be adjudged, and by the authority of this present act be convicted and attainted of high treason to all intents and purposes whatsoever, and shall suffer and forfeit as a person attainted of high treason by law ought to suffer and forfeit; and that he or they so not rendering himself, and abiding the trial aforesaid, his estate and effects, shall in all things be dealt with, disposed of, regulated and conducted, according to the act herein before first recited; any thing herein contained to the contrary notwithstanding.*

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the  
31<sup>st</sup> day of March, A. D. 1781.  
SAMUEL STERETT, clerk of the general assembly.*

### C H A P T E R C X C V I I I .

*An ACT for vesting the estate late of Henry Hugh Ferguson in Elizabeth his wife.*

Preamble.

SECTION I. WHEREAS Henry Hugh Ferguson, late of the township of Horlham, in the county of Philadelphia, is and stands attainted of high treason, and the estate which he had in this commonwealth is forfeited. And whereas by the marriage of the said Henry Hugh Ferguson, with his wife Elizabeth, (late Elizabeth Græme) he became seised of an estate of freehold in a farm and tract of land commonly called Græme Park, situated in the township and county aforesaid, (of which the said Elizabeth was, before and at the time of the marriage aforesaid, seised in her demesne as of fee) during the joint lives of them, the said Henry Hugh Ferguson and Elizabeth his wife. And whereas the said Elizabeth appears to have acted a friendly part to the

the cause of the united states, and to be in such a peculiar situation as to deserve the protection and indulgence of this commonwealth.

**SECT. 2.** Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all the estate, right, title or interest, which the said Henry Hugh Ferguson, acquired in the aforesaid farm and tract of land, with the appurtenances by his marriage with the said Elizabeth, shall be, and are hereby vested in the said Elizabeth, during her natural life; the said marriage and the attainer of the said Henry Hugh Ferguson, and the forfeiture accruing to this commonwealth thereupon, to the contrary hereof in any wife notwithstanding.

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of the Common-  
wealth.  
Estate vest-  
ed during  
her natural  
life.

Signed by order of the house,

FREDERICK A. MUHLENBERG, SPEAKER.

Enacted into a law at Philadelphia, on Monday, the  
2d day of April, A. D. 1781.

SAMUEL STERETT, clerk of the general assembly.

### CHAPTER CXCIX.

An ACT to revive an act, intituled, "An Act to revive an act to prevent the trespassing upon the inclofed grounds, lying in the townships of Passyunk, Moyamensing, Northern Liberties and Germantown, in the county of Philadelphia, and to extend the said act to the adjoining township of Bristol in the same country, and to prevent swine from running at large within the said townships, for a limited time.

Passed April 2d, 1781. Recorded in Law Book, Vol. I. Page 421, &c.  
Expired.

### CHAPTER CC.

An ACT directing the mode of adjusting and settling the payment of debts and contracts entered into and made between the first day of January, one thousand seven hundred and seventy seven, and the first day of March, one thousand seven hundred and eighty one, and for other purposes therein mentioned.

**SECTION 1.** WHEREAS the good people of this state labour under many inconveniences

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wealth.

ences for want of some rule whereby to settle and adjust the payment of debts and contracts entered into and made between the first day of January, one thousand seven hundred and seventy seven, and the first day of March, one thousand seven hundred and eighty one, many of which are yet due and unsatisfied, and it seems just and reasonable that some rule should be by law established for liquidating and adjusting the same, so as to do justice as well to the debtors as creditors :

Certain debts and contracts to be settled according to a scale of depreciation.

The mode &c.

Part of certain acts repealed.

Mode of settlement in cases where the parties cannot agree.

Auditors to be named, &c.

*SECT. 2. Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the passing of this act, all debts and contracts of what nature or kind soever entered into or made within the period aforesaid, now remaining due and unfulfilled for the payment of money, shall be liquidated, settled and adjusted agreeable to a scale of depreciation herein after mentioned and contained, that is to say, by reducing the amount of all such debts and contracts to the true value in specie at the days or times the same were incurred or entered into, and upon payment of the said value so found in specie or other money equivalent, the debtors or contractors shall be forever discharged of and from the said debts or contracts; any law, custom or usage to the contrary in any wise notwithstanding.*

*SECT. 3. And be it further enacted by the authority aforesaid, That the proviso clause in the suspension act of the thirty first day of May, one thousand seven hundred and eighty, continued by a supplement of the twenty second day of September, one thousand seven hundred and eighty, and also the proviso clause of the suspension act of the twentieth day of February, one thousand seven hundred and eighty one, so far as the same take off or restrain the enacting clause in the said laws in case of payment of any debt or demand whereupon any distress may be made, or upon which any action or suit shall be commenced in any court of law within this state, shall be, and the same are hereby repealed; any thing in the said proviso clauses to the contrary notwithstanding,*

*SECT. 4. And be it further enacted by the authority aforesaid, That in all cases between debtors and creditors, for debts or demands due and payable or incurred on or before the first day of March, one thousand seven hundred and eighty one, where the parties cannot otherwise agree, it shall and may be lawful for any court of law, and for any justice of the peace, (in cases of debts and*

and demands cognizable before one justice of the peace,) upon the prayer of either party, to appoint three or more auditors in presence of the parties, if they will upon reasonable notice attend, otherwise upon proof of such notice to the court or justice, to appoint the said auditors ex parte in manner following, to wit, by naming a treble number, and each of the parties to strike out one alternately until the number to be appointed only remain in nomination. And in case of non attendance of either party, the clerk of such court, or the justice of the peace shall strike for the absent party; which auditors so appointed shall have full power and authority, upon notice to the parties, to meet, hear and examine the parties upon interrogatories, and also such witnesses, papers and proofs of the parties as shall be to them adduced; and thereupon liquidate, adjust and settle all debts or demands, and other controversies subsisting between the parties agreeable to the directions of this act, where that can be done, but in cases where the act shall not apply, then to settle and adjust the same according to equity and good conscience, upon due consideration had of the nature and circumstances of the case; but the said auditors shall not have any power or authority in cases where partial payments have been made in money then current, to reduce such payment. And the said auditors, where any tender has been made before the first day of March, one thousand seven hundred and eighty one, in money current, shall not allow the creditor more than the value of his debt, reduced to specie at the time when such tender was made; and where it shall appear to the said auditors that any debtor who had willingly received bills of credit made current in payment of his debts, and was also prepared and ready to pay the sum due by him in such money, but was prevented by the creditor absconding, concealing his bonds or papers, or secretly assigning them or such like evasions, in all such cases the debtor shall have the benefit of a legal tender; and the said auditors, upon settling and adjusting all such debts or demands, shall make report to the court or justice as the case may require, which report shall be of the same force and effect as a verdict of a jury in the case, and the court or justice shall enter judgment on such report.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the following scale of depreciation shall be the rule to determine the value of the several debts, contracts and demands in this act mentioned, compared with silver and gold.

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of the Common-  
wealth.*who are to  
hear and  
examine  
the parties,and adjust  
controvers-  
ties, &c.but not to  
reduce pay-  
ments made  
in current  
money,where ten-  
der has  
been made  
the credit-  
or to be  
paid only  
the value of  
his debt re-  
duced to  
specie at  
the time of  
tender.Debtor pre-  
vented  
from pay-  
ing by cre-  
ditor ab-  
sconding,  
&c.  
to have be-  
nefit of a  
legal ten-  
der.Auditors  
report to  
have the  
force of a  
verdict, &c.Scale of de-  
preciation.

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One thousand seven hundred and seventy seven.

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of the Common-  
wealth.

January,	One and an half.
February,	One and an half.
March,	Two.
April,	Two and an half.
May,	Two and an half.
June,	Two and an half.
July,	Three.
August,	Three.
September,	Three.
October,	Three.
November,	Three.
December,	Four.

One thousand seven hundred and seventy eight.

January,	Four.
February,	Five.
March,	Five.
April,	Six.
May,	Five.
June,	Four.
July,	Four.
August,	Five.
September,	Five.
October,	Five.
November,	Six.
December,	Six.

One thousand seven hundred and seventy nine.

January,	Eight.
February,	Ten.
March,	Ten and an half.
April,	Seventeen.
May,	Twenty four.
June,	Twenty.
July,	Nineteen.
August,	Twenty.
September,	Twenty four.
October,	Thirty.
November,	Thirty eight and an half.
December,	Forty one and an half.

One thousand seven hundred and eighty.

January,	Forty and an half.
February,	Forty seven and an half.
March,	Sixty one and an half.
April,	Sixty one and an half.
May,	Fifty nine.
June,	Sixty one and an half.
July,	Sixty four and an half.
August,	Seventy.
September,	Seventy two.
October,	Seventy three.
November,	Seventy four.
December,	Seventy five.

One thousand seven hundred and eighty one.

January,	Seventy five.
February,	Seventy five.

Certain act  
repealed.

SECT. 6. And be it further enacted by the authority  
aforesaid, That the act intitled, "A supplement to an act  
"for the more easy recovery of small debts," passed on the  
ninth day of October one thousand seven hundred and se-  
venty

venty nine, be, and the same is hereby repealed and made void.

SECT. 7. And be it further enacted by the authority aforesaid, That the act, intitled, "An Act for limitation on of actions," passed the twenty seventh day of March one thousand seven hundred and thirteen, shall not run or operate during the time the courts of justice were shut in this state, nor during the time of any suspension act of this state, in any action or distress prohibited to be made or brought by such act, under the penalty of taking depreciated money in full payment.

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of the Common-  
wealth.

Act of li-  
mitation  
suspended  
during, &c.

Signed by order of the house,

FREDERICK A. MUHLENBERG, SPEAKER.

Enacted into a law at Philadelphia, on Tuesday the  
3d day of April, A. D. 1781.

SAMUEL STERETT, clerk of the general assembly. {

## C H A P T E R CCI.

An ACT to prevent the exportation of bread and flour not merchantable, and for repealing at a certain time all the laws heretofore made for that purpose.

SECTION I. WHEREAS the regulations hitherto made for the inspection of bread and flour, have not been quite effectual, and a variety of laws on the same subject tend to mislead the people.

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the act, intitled, "An Act to prevent the exportation of bread and flour not merchantable," passed the fourteenth day of October, one thousand seven hundred and thirty three, (excepting that part of it which repeals the act therein mentioned, and called an act to prevent the exportation of bread and flour not merchantable,) and the act, intitled, "A supplement to the act, intitled, "An Act to prevent the exportation of bread and flour not merchantable," and to the act which is an amendment thereof, passed on the sixth day of October, one thousand seven hundred and seventy nine, be, and continue in force until the first day of October next, and that from and after that day the same acts be, and the same are hereby repealed.

Certain acts  
continued  
in force till  
October  
next.

except, &c.

then re-  
pealed.

SECT.

1781.

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of the Common-  
wealth.Proviso.Flour casks  
how to be  
made, &c.their di-  
mensions,Millers, bol-  
ters and  
bakers to  
provide  
brand  
marks, and  
enter them  
with clerk  
of the  
quarter ses-  
sions, with  
their  
names, &c.Penalty.Quantity to  
be put in  
the respec-  
tive casks.

**SECT. 3.** *Provided always, That the millers and bolters shall be allowed until the first day of October next, to sell and dispose for exportation their flour in barrels, of any other dimensions than those by the said acts or any of them prescribed.*

**SECT. 4.** *And whereas it is the duty and interest of all governments to prevent fraud and promote the interests of just and useful commerce :*

**SECT. 5.** *Be it therefore enacted, by the authority aforesaid, That from and after the said first day of October next, all flour casks shall be made of good seasoned materials, well made and tightened with ten hoops sufficiently nailed with four nails in each chine hoop, and three nails in each upper bilge hoop, and of the following dimensions, viz. the staves to be of the length of twenty seven inches, but of different diameters at the heads, according to their numbers, that is to say, casks number one shall be of the diameter of eighteen inches at the head, casks number two sixteen inches and an half, and casks number three fifteen inches and an half ; that every miller or bolter of flour and baker of bread, for transportation out of this state, shall provide and have a distinguishable brand mark, which he shall cause to be entered with the clerk of the quarter sessions for the county where he doth reside, together with his name and place of abode, under the penalty of the sum of five shillings, for every day during which he shall have exercised his said business of a miller, bolter or baker, without such entry ; for the making of which entries the said clerk shall be intitled to the sum of one shilling each ; and that every miller or bolter of flour or baker of bread shall, with his said mark, brand each and every cask of flour or bread before the same shall be removed from the place where the same was bolted or baked ; and every miller or bolter shall also brand every cask of flour according to the respective diameters above specified, with the said numbers one, two or three, and with the weight respectively, under the penalty of one shilling and six pence for every barrel of flour not hooped and nailed as aforesaid, and for every cask of flour or bread so removed and not branded as aforesaid.*

**SECT. 6.** *And be it further enacted by the authority aforesaid, That the said millers or bolters shall put in the cask number one, the full quantity or weight of two hundred and twenty four pounds of flour, in the cask number two, the full quantity or weight of one hundred and ninety six pounds, and in the cask number three, the full quantity*

quantity or weight of one hundred and sixty eight pounds of flour; and that if any miller or bolter shall use or pack with flour any other casks than of the three several sizes and dimensions aforesaid, he shall forfeit to the purchaser thereof the value or charge of such cask in his account; and that if any miller or bolter shall pack any casks of the said sizes or dimensions, with a less quantity of flour than is above specified for the same respectively, he shall forfeit the same casks and flour.

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wealth.*

Penalty.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That all wheat flour bolted for sale and transportation out of the state shall be made merchantable and of due fineness, without any mixture of coarser and other flour.

Flour to be  
of due fine-  
ness.

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That all casks, wherein bread shall be packed, shall be weighed, and the tare marked thereon; and if any person shall put a false or wrong tare on any cask of bread, to the disadvantage of the purchaser, he or she shall forfeit, for every cask so falsely tared, the sum of five shillings; and the inspectors or their deputies respectively, upon suspicion, or upon the request of the buyers, shall, and are hereby required to unpack any such cask of flour or bread as aforesaid; and if there shall be a lesser quantity of flour than is above directed; or if the cask or casks, wherein bread is packed, shall be found to weigh more than is marked thereon; then, the miller, bolter or baker, as the case may be, shall pay the charges of unpacking and repacking over and above the penalties aforesaid: But otherwise the said charges shall be paid by the inspector or by the purchaser, if the trial be made at his request.

Casks of  
bread to be  
weighed,  
&c.

Penalty.

Power of  
the inspec-  
tors and  
their depu-  
ties, &c.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That every baker of bread for exportation shall deliver, with the said bread, an invoice of the contents thereof, with his brand mark made thereon, together with his name signed thereto, under the penalty of forty shillings for every invoice delivered contrary hereto: And if any cask or casks of bread, upon trial, be found lighter than is set down in the invoice, such baker shall forfeit the bread and casks so falsely invoiced.

Bakers to  
deliver in-  
voices, with  
their  
brands, &c.

**SECT. 9.** *And be it enacted by the authority aforesaid,* That no cart, wain or waggon, shall be made use of, for the carrying or conveying of flour or bread from any mill or other place, to the place of exportation, or to any landing place, but such as shall be provided with a good and sufficient covering: And that no flour shall be

Waggons,  
&c. to have  
covering,  
&c.

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wealth.*

left at any landing or other place, in order to be transported, except the same be put in a store, or shelter sufficient to keep it dry; and that no flour or bread shall be carried or conveyed by water from any mill or landing place to the place of exportation, in any open boat, flat or shallop, without a good and sufficient covering or tarpauling, to secure the same in case of rain.

**Penalty for  
damage  
done to  
bread, &c.**

**SECT. 10.** *And be it enacted by the authority aforesaid,* That if the owner or possessor of any cart, wain or waggon, boat, flat or shallop, shall cause or suffer any flour or bread to be wet or take damage for want of due care, or not being provided for as aforesaid, in the moving, carrying or transporting the same from any mill or other place, to the place of exportation, every such person shall forfeit for every cask of flour or bread so damaged, the sum of one shilling.

**Flour to be  
inspected.**

**SECT. 11.** *And be it enacted by the authority aforesaid,* That no merchant, or other person whatsoever, shall lade or ship any flour for transportation, out of this state, before he, she or they, shall offer the same to the view and examination of the inspector of the port, from whence the same is shipped, or intended to be shipped, or his deputy, under the penalty of five shillings for every cask:

**Merchanta-  
ble flour to  
be branded  
with state  
arms, &c.**

And the said inspector or deputy, shall try and search the same, by boring the head, and piercing it through with a proper instrument, in order to prove whether it be honestly and well packed; as also to enable him to judge of the goodness thereof, and shall afterwards plug up the hole. And if the said inspector shall judge the same to be merchantable, he shall brand every such cask of flour on the quarter, with the arms of the state of Pennsylvania, in a fair and distinguishable manner, for which he shall receive one penny for each cask, and no more. But if he shall adjudge such flour not to be merchantable, and the possessor and owner thereof shall acquiesce under such judgment, he shall, in such case, pay to the said inspector the said sum of one penny, for each and every such cask and on his refusal or neglect, the inspector may recover the same as debts under forty shillings are recoverable, with costs of suit; and if the possessor of any flour, shall offer to transport the same out of this state, without being proved and branded in the manner herein before mentioned, the same flour shall be forfeited.

**Reward of  
inspectors.**

**SECT. 12.** *And be it further enacted by the authority aforesaid,* That where any dispute shall arise between any of the said inspectors, or their deputies with the owner or possessor, concerning the fineness or goodness of such flour, or

**Manner of  
proceeding  
in cases of  
dispute, re-  
pecting  
the fineness**

or the goodness of the materials, of which the casks are made, then upon application made, by the owner or possessor of such flour, to one of the magistrates, of the city or county, where the dispute shall arise, the said magistrate shall issue his warrant, to three indifferent and judicious persons, to be triers thereof, (one of them to be named by the said owner or possessor, one by the said inspector or his deputy, and the third by the said magistrate,) directing the said triers to view and examine the said flour, and make report to him forthwith, touching the condition thereof, and that if they shall find the said flour not merchantable, that they certify to him the cause thereof, and whether it be, that the said flour wants due fineness, is musty, sour, or the like; and if sour, whether such sourness is occasioned by the greenness of the timber whereof the casks are made, or by being brought in any open boat, or shallop, or upon the deck of any other vessel, without a tarpaulin or cover, or for any other, and what cause; and the said magistrate shall thereupon give his judgement, agreeable to the report of the said triers, or any two of them; and in case the said magistrate shall, on such report, adjudge the flour not to be merchantable, he shall award the owner, or possessor thereof, to pay into the hands of the said inspector, one shilling for each and every such cask, so adjudged to be unmerchantable, besides reasonable costs; but in case the said flour shall be found merchantable, the inspector shall be adjudged to pay all the costs which shall have accrued, and the said officer shall thereupon brand the said flour, in the manner before directed. And if it shall appear, either by the report aforesaid, or otherwise, that any flour is become unmerchantable by fault of the miller, bolter, shallopman, flatman, carter, or waggoner, in every such case the owner of such flour shall recover against the said miller, bolter, shallopman, flatman, carter or waggoner, by default of whom or of whose servant or servants, such flour shall have been injured, the damages which such owner shall have sustained, with full costs of suit.

**SECT. 13.** *And be it further enacted by the authority aforesaid, That the masters of ships and other vessels loading flour for exportation from this state, shall in their manifests, which in pursuance of the act, intituled, "An Act "for regulating trade and navigation in this state," they are obliged to exhibit and deliver to the naval officer thereof, expressly and distinctly declare how many barrels of flour are shipped on board of their respective vessels,*

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wealth.  
of flour,  
Esq.

Number of  
barrels of  
flour ship-  
ped, to be  
set forth in  
manifest,  
Esq.

and

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of the Common-  
wealth.**And by  
whom ship-  
ped, &c.  
Penalty.**Inspector to  
enter on  
board ves-  
sels, and  
search, &c.**Penalty on  
persons  
preventing  
him, &c.**Persons  
counter-  
feiting  
brand  
marks, &c.  
how to be  
punished.**Inspectors  
not to trade  
in flour.*

and by whom each parcel thereof is shipped, to which manifest or declaration the inspector aforesaid shall have free access and liberty to take abstracts thereof; and if any master of a vessel shall refuse or neglect to make such return to the naval officer as aforesaid, he shall, over and above the penalty in the said last named act mentioned, forfeit to the said inspector, the amount of his fees, for trying and examining the whole cargo of flour shipped on board of his vessel.

*SECT. 14. And be it further enacted by the authority aforesaid, That the said inspector, or his deputies, shall have full power and authority by virtue of this act, and without any further or other warrant, to enter on board any ship or other vessel whatsoever, lying or being in any port or place of this state, or into any mill, store or granary within the same, to search for and discover any flour intended to be transported out of this state; and if the owner or possessor thereof, or their servants or others, shall deny him or them entrance, or if the said inspector or his deputies shall be in any wise molested in making such discovery as aforesaid, or if such owner or possessor shall refuse to permit the said inspector or his deputy to view or examine the same, every such person so offending, shall forfeit and pay the sum of ten pounds for every such offence.*

*SECT. 15. And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit the aforesaid brand marks, or either of them, or impress or brand the same on any cask of flour, he, she or they, being thereof legally convicted, shall, for the first offence forfeit and pay the sum of five pounds; for the second offence, the sum of ten pounds; and for the third offence shall be committed to jail, and sentenced to the pillory, there to stand the space of two hours on a market day, in any city, borough or town where the fact shall have been committed.*

*SECT. 16. And be it further enacted by the authority aforesaid, That none of the said inspectors or their deputies, shall directly or indirectly, vend, barter, sell, exchange or trade in flour, under the penalty of fifty pounds, to be recovered by action of debt, bill, plaint or information, by any person who will sue for the same to effect, in any court of record in this state; the one half thereof to the use of the person or persons so suing, the other half to be paid to the treasurer of the state for the public use: And every person or persons so offending, and thereof convicted*

convicted, shall be, and they are hereby disabled from acting thereafter in their respective offices.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the said inspectors be empowered to appoint deputies under them; but before any inspector, or deputy shall do any thing in his said office, he shall take an oath or affirmation before any one justice of the peace of any county of this state, faithfully and impartially to perform his trust and duty to the best of his skill and understanding, according to the directions of this present act.

SECT. 18. *And be it further enacted by the authority aforesaid,* That all and singular the fines, forfeitures and charges mentioned in this act, where the same respectively exceed not five pounds, shall be recovered in the same manner as other debts and demands under the said sum of five pounds are recoverable; and where the same exceed the said sum of five pounds, they may be sued for, and shall be recovered in any court of record in this state, by bill, plaint or information; wherein no escoin, protection, or wager of law, nor more than one imparlance shall be allowed: All which said fines and forfeitures, paid to the said inspector or his deputy, who shall keep a just and true account thereof; and shall once in every year, at the time of appointing overseers of the poor, deliver unto the magistrates, a true and exact list of all such fines and forfeitures; the one half whereof he shall immediately pay into the hands of the overseers of the poor of the place where the forfeitures happen, and shall retain the other half to his own use. And if any of the said inspectors or deputies, shall neglect or refuse to account and pay as aforesaid, he shall forfeit his office.

SECT. 19. *And be it further enacted by the authority aforesaid,* That Jacob Bright be, and he is hereby appointed inspector for the city and county of Philadelphia; and Adam Grubb for the county of Chester; and Joseph M'Elvaine, for the county of Bucks. The said inspectors to hold their offices, from the publication of this act, for the space of four years, and from thence until the end of the next sitting of assembly, and no longer except they shall be re-appointed by the assembly: And if any or either of the said inspectors shall happen to die, or by any accident, or otherwise, shall be rendered incapable, or shall knowingly suffer any flour to be carried out of this state, without trying every cask thereof, as aforesaid, or shall neglect to keep a sufficient number of deputies to assist him, in the execution of his office,

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of the Common-  
wealth.**Inspectors  
may ap-  
point depu-  
ties who  
shall take  
an oath or  
affirmation  
&c.**Fines, for-  
feitures and  
charges,  
how to be  
recovered.**And appli-  
ed.**Inspectors  
names.**Duration of  
their offi-  
ces, &c.**Vacancies  
how to be  
supplied,  
&c.*

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 of the Common-  
 wealth.

whereby the possessor of such flour shall suffer any damage or delay, or shall otherwise misbehave him or themselves therein, it shall and may be lawful to and for a majority of the justices of the peace, of the city of Philadelphia, or of the respective counties before mentioned, and they are hereby enjoined and required, on the conviction of the said officer, of any of the said crimes, or on his death, to nominate and appoint some other fit person, in his or their place or places, who shall thereupon, on taking the said oath, be the inspector, until the assembly shall appoint another, and be invested with the powers, and subject to the duties herein before mentioned.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the  
 5th day of April, A. D. 1781.  
 SAMUEL STERETT, clerk of the general assembly.*

## CHAPTER CII.

*An ACT to vest in the congress of the united states, a power to levy duties of five per centum, ad valorem, on certain goods and merchandise imported into this commonwealth, and on prizes and prize goods condemned in the court of admiralty of this state, after the first day of May, one thousand seven hundred and eighty one, and for appropriating the same.*

Preamble. SECTION I. WHEREAS the congress of the united states, by their act of the third day of February last, did resolve; "That it be recommended to the several states, as indispensably necessary, that they vest a power in congress, to levy for the use of the united states, a duty of five per cent. *ad valorem*, at the time and place of importation, upon all goods, wares and merchandise of foreign growth and manufacture, which might be imported into any of the said states from any foreign port, island or plantation, after the first day of May, one thousand seven hundred and eighty one, except arms, ammunition, cloathing and wool cards and cotton cards, and wire for making them, and also except salt during the war. Also a like duty of five per cent. on all prizes and prize goods condemned in the court of admiralty

admiralty of any of these states as lawful prize; that the monies arising from the said duties be appropriated to the discharge of the principal and interest of the debts already contracted, or which might be contracted on the faith of the united states, for supporting the present war; that the said duties be continued, until the said debts should be fully and finally discharged:"

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of the Commonwealth.

SECT. 2. *Be it therefore enacted, and it is hereby enacted,* by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the united states in congress assembled shall be, and they are hereby fully authorised and impowered, to levy, for the use of the said states, a duty of five per centum, *ad valorem*, at the time and place of importation, upon all goods, wares and merchandise, of foreign growth and manufacture, which may be imported into this commonwealth from any port, island or plantation, not within any of the united states, after the first day of May, in the year one thousand seven hundred and eighty one; except arms, ammunition, cloathing and other articles imported on account of the said states, or any of them, and except wool cards and cotton cards, and wire for making them, and also except salt during the war. That the said states be, and they hereby are also impowered to levy, for the use aforesaid, a like duty of five per cent, on all prizes and prize goods, condemned by the admiralty court of this commonwealth, as lawful prize. And whereas it will conduce to the general interest, that the commercial regulations throughout the said states be uniform and consistent;

Congress to levy duty on goods imported.

Except, &c.

And on prizes and prize goods, &c.

SECT. 3. *Be it therefore further enacted by the authority aforesaid,* That the said united states in congress assembled, shall be, and they are hereby fully authorised to appoint one or more collector or collectors, in this commonwealth, to collect the said duties, according to such rules and ordinances for collecting and levying the same, as they shall judge expedient. *Provided always,* that such proviso. rules and ordinances be not repugnant to the constitution and laws of this state.

And to appoint collectors, and make regulations.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the monies arising from the said duties appropriated shall be, and they hereby are appropriated to the discharge of the principal and interest, of the debts already contracted, or which may be contracted on the faith of the said united states, for supporting the present war.

SECT. 5. *And be it further enacted by the authority aforesaid,* That this act shall be and continue in force un- ance of the til act.

1781. til the full and final discharge of the debts herein before mentioned, and no longer.

*The fifth Year  
of the Common-  
wealth.*

Signed by order of the house,

FREDERICK A. MUHLENBERG, SPEAKER.

Enacted into a law at Philadelphia, on Thursday, the  
5th day of April, A. D. 1781.  
SAMUEL STERETT clerk of the general assembly.

### C H A P T E R C C I I I .

An ACT for amending and continuing an act, intitled,  
“ An Act for the support of the government of this  
“ province, making the excise on wine, rum, brandy  
“ and other spirits, more equal; and preventing frauds  
“ in the collecting and paying the said excise.”

Preamble. SECTION 1. WHEREAS the act of assembly, intitled, “ An Act for the support of the government of this province, making the excise on wine, rum, brandy and other spirits more equal; and preventing frauds in the collecting and paying the said excise,” passed on the twenty first day of March, in the year of our Lord one thousand seven hundred seventy and two, will expire on the tenth day of April, which will be in the year of our Lord, one thousand seven hundred eighty and two. And whereas it is necessary for the supporting the honor of government, discharging its debts and incidental expenses, and for carrying on the war against the king of Great Britain, to continue the present excise on wine, rum, brandy and other spirits, and to raise additional sums of money upon the same;

Act continued.

SECT. 2. Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That so much of the act of assembly aforesaid, not altered by this act, as relates to the excise on wine, rum, brandy, and other spirits, and the collecting and paying the same, shall be continued, and the same is hereby continued, for the term of ten years, from and after the aforesaid tenth day of April, which will be in the year of our Lord, one thousand seven hundred eighty and two.

Proviso. SECT. 3. Provided always, and be it further enacted by the authority aforesaid, That the retailers of spirits distilled

filled from the natural products of this state, late province of Pennsylvania, shall take permits from the collector of the excise, and give him security in like manner, in all respects as other retailers are obliged to do; any thing in the nineteenth section of the act of assembly aforesaid to the contrary notwithstanding.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That from and after the thirtieth day of May next, until the expiration of this act, there shall be raised, levied, collected and paid, the rate, duty and sum of four pence a gallon, and so in proportion for any greater or lesser quantity, over and above the rate and duty imposed by the above recited act, upon all such wine, rum, brandy and other spirits, bartered, sold, or consumed within this state, as are subjected to a duty by the said act; which rates, duties, and sums imposed by the act amended and continued by this act, and by this act shall be paid in specie, or other money equivalent, and not otherwise.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That the several and respective duties, by this act granted and continued, shall be raised, levied, collected and paid, during the term and time aforesaid, by the same ways, means and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers in all respects not otherwise directed by this act, as are prescribed, mentioned and expressed in the said former act, or in any other act of assembly thereby referred unto, for and concerning the duties by the same imposed and granted; and that the same act before mentioned, and the act or acts thereby referred unto, as for and concerning the said duties on wine, rum, brandy and other spirits, and every article, rule, clause, matter and thing therein contained, and now being in force, not otherwise altered by this act, shall be and continue in full force and effect, to all intents and purposes, for raising, levying, collecting, securing and accounting for the rates, duties and impositions hereby granted, imposed and continued respectively, and for levying and recovering the penalties and forfeitures, and all other matters and things, during the continuance of this act, as fully as if the same were particularly and at large repeated in the body of this present act.

**SECT. 6.** *Provided always, and it is hereby enacted,* That **Proviso.** nothing in this act contained, shall extend, or be construed to extend, to allow any collector of excise, for any county of this state, any larger or greater sum for his trou-

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wealth.

Additional  
duties to be  
tailed;  
how paid.

Manner of  
collecting,  
&c. declar-  
ed.

1781. bie or care in collecting and paying the additional rate, duty or excise by this act imposed, than at the rate of one per centum, on all sums by him to be collected and paid in virtue hereof.

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of the Commonwealth.*

Money arising by this act, how to be paid.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the treasurer of this state, for the time being, shall, and he is hereby enjoined and required, to pay all and singular the sum and sums of money arising by this act, or the act hereby referred unto, which shall be at any time in his hands, as the general assembly shall by act of assembly, vote, or draught, direct and order, and not otherwise, any thing in any former act of assembly to the contrary notwithstanding.

No other excise to be paid than, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That no other excise be demanded, received or paid in this state, on any wine, rum, brandy, or other spirits, than those imposed and made payable by this act, and the act hereby amended and continued, any law, usage, or custom to the contrary notwithstanding.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Friday, the  
6th day of April, A. D. 1781.  
SAMUEL STERETT, clerk of the general assembly.*

## CHAPTER CCIV.

*An ACT for emitting the sum of five hundred thousand pounds in bills of credit, for the support of the army, and for establishing a fund for the redemption of the same, and for other purposes therein mentioned.*

Preamble: SECTION I. WHEREAS it is not to be expected during the present war with Great Britain, that sufficient quantities of gold and silver money, can be procured, or retained in this state, for the procuring and providing sufficient supplies of provisions and other articles for the support of the army, and for the purposes of private dealings; for which purpose, and for supplying the good people of this state, with a medium of commerce, of a stable and solid nature, for want of which they already suffer: And whereas there are many and large arrearages, and sums of money due to this state, from

from private persons, for lands heretofore granted and claimed; which ought to be pledged as a fund of credit, for the relieving of the public necessities, and supplying the treasury at this time.

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**SECT. 2.** *Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That bills of credit, to the value of five hundred thousand pounds, shall be prepared and printed, with all possible dispatch, after the publication of this act, on good strong paper, under the care and direction of George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hays, and William Harris, the charges whereof shall be paid by the state treasurer, out of the monies so prepared and printed; which bills of credit shall be made and prepared in manner and form following, viz. "This bill shall pass current for according to an act of general assembly, of the commonwealth of Pennsylvania, passed the seventh day of April, in the year one thousand seven hundred and eighty one. Dated the day of April, A. D. 1781." And the said bills shall have the state arms as an escutcheon in the margin thereof, with such other devices as the said George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes, and William Harris, or a majority of them, shall think proper, in order to prevent counterfeits, and to distinguish their several and respective denominations, which bills shall be of the several and respective denominations following, and no other, that is to say;

Form of the bills.

Twenty nine thousand and seventy seven, of the said bills, the sum of five pounds each.

Number and deno-  
mination  
of the bills.

Twenty nine thousand and seventy seven, of the said bills, the sum of three pounds each.

Twenty nine thousand and seventy seven, of the said bills, the sum of two pounds ten shillings each.

Twenty nine thousand and seventy seven, of the said bills, the sum of two pounds each.

Twenty nine thousand and seventy seven, of the said bills, the sum of one pound ten shillings each.

Twenty nine thousand and seventy seven, of the said bills, the sum of one pound each.

Twenty nine thousand and seventy six of the said bills, the sum of fifteen shillings each.

Twenty nine thousand and seventy six of the said bills, the sum of ten shillings each.

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wealth.

Forty thousand of the said bills, the sum of five shillings each.

Forty thousand of the said bills, the sum of two shillings and six pence each.

Forty thousand of the said bills, the sum of two shillings each.

Twenty thousand of the said bills, the sum of one shilling and six pence each.

Twenty thousand of the said bills, the sum of one shilling each.

Eighty thousand of the said bills, the sum of nine pence each.

Eighty thousand of the said bills, the sum of six pence each. And

Eighty thousand of the said bills, the sum of three pence each.

Duty of  
persons su-  
perintend-  
ing.

**SECT. 3.** And the said George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes, and William Harris, shall use their best care, attention and diligence, during the making of the paper, and printing of said bills, that the number and amount thereof, according to the said several denominations, be not exceeded, nor any clandestine or fraudulent practices used by the paper maker, or the printer, his or their servants, or others.

Bills to be  
signed.

**SECT. 4.** And for perfecting the said bills, according to the true intent and meaning of this act, *Be it enacted* by the authority aforesaid, That the said bills, the denomination whereof shall be ten shillings and upwards, shall be signed by any two of the persons herein after mentioned; and that every of the said bills, the denomination whereof shall be under ten shillings, shall be signed by any one of the persons herein after mentioned; that is to say, Cadwallader Morris, Samuel Meredith, James Budden, Joseph Wharton, Joseph Bullock, Samuel Caldwell, Michael Shubart, David H. Cunningham, Jacob Barge, Philip Bœhm, John Purviance, Joseph Dean, John Miller, Jonathan Mifflin, Isaac Howell, Richard Bache, John Baynton, Tench Francis, David Shaffer, senior, Thomas Pryor, Robert Knox, John Mease, Jacob S. Howell, and John Patton; who are hereby nominated and appointed signers thereof, and who shall, before they receive, or sign any of them, take an oath or affirmation to the effect following, viz "That they shall well and truly sign and number all the bills of credit, that shall come to their hands for that purpose, according to the directions of this act; and the same so signed and numbered, will re-deliver, or cause to be re-deliver-

Signers  
names.

Their oath  
or affirma-  
tion.

ed

ed unto George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes, and William Harris, or any of them, pursuant to the direction of this act."

**SECT. 5.** And to avoid the danger of embezzlement, or misapplication of any of the said bills of credit, *Be it enacted by the authority aforesaid*, That the said George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes, and William Harris, after the said bills shall be printed, shall deliver, from time to time, so many of them to the signers aforesaid, by parcels, to be signed and numbered, as they shall judge proper, for which the said signers, or some one of them, shall give receipts, that is to say, that not more than three thousand pounds of the said bills shall remain in the hands of any two of them at the same time, and so from time to time till the whole of the said bills be signed; of all which bills of credit, so delivered to be signed and numbered as aforesaid, a true account shall be kept by the signers, who, upon re-delivery of each or any parcel of the said bills, by them signed and numbered, shall have the receipt of the said George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes, and William Harris, or any two of them, to charge them before any committee of assembly, appointed to enquire into the same. And each of the said signers shall have fifteen shillings for every thousand of the said bills by them signed and numbered, and no more: And the said George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes, and William Harris, shall severally receive twenty five shillings for every day they shall be employed in the said business and the treasurer of this state shall, for receiving and paying, have and receive two shillings and six pence per hundred pounds, for his care and trouble, to be paid out of the monies emitted by virtue of this act.

**SECT. 6.** *And be it further enacted by the authority aforesaid*, That the bills of credit, hereby directed to be prepared and made, as fast as the same shall be signed, numbered and perfected, as aforesaid, shall be delivered to the treasurer of this state by the said George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes and William Harris, or any of them, who shall give a receipt or receipts for the same, and shall issue and pay the same according to the draughts of the general assembly, or of the president or vice president in council, for public use.

**SECT. 7.** *And be it further enacted by the authority aforesaid*, That together with the guarantee of the honour

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wealth.

In what  
manner the  
bills are to  
be deliver-  
ed out to be  
signed.

Pay of the  
signers, su-  
perintend-  
ants and  
treasurer.

Bills when  
perfected  
to be deli-  
vered to  
the treasur-  
er, &c.

In what  
manner to  
be paid out.

Fund and  
mode of re-  
demption.

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wealth.

and faith of Pennsylvania, which is hereby given, so much as shall be sufficient of the arrearages and sums of money due to this state, for lands heretofore granted or claimed, by virtue of warrants, locations, surveys, or any other title that might be deemed good and valid, according to the law, custom or usage in force, under the late government, shall be and hereby is pledged and declared to be a fund, out of which the bills of credit aforesaid shall be redeemed and cancelled, within the term of five years, from the passing of this act, in the manner following, that is to say, the one fifth thereof yearly and every year, until the whole shall be redeemed and cancelled as aforesaid.

The bills  
declared a  
legal ten-  
der, &c.

SECT. 8. *And be it enacted by the authority aforesaid,* That the bills of credit emitted by this act, be, and are hereby declared to be legal tender to all intents and purposes whatsoever, and shall be taken and received in payment in all bargains, contracts, purchases, agreements, dealings, debts, dues and demands, according to the sum specified in said bill; to be taken and received at the rate or value of fifteen shillings for every two dollars, and so in proportion for a larger or lesser sum, and of equal value, in the payment of such bargain, contract, purchase, agreement, dealing, debt, due and demand whatsoever, with two Spanish milled dollars, each weighing seventeen penny weight and six grains; and sixty shillings of the emission aforesaid shall be taken and received at the rate of, or equal in value to one gold half Johannes of Portugal, weighing nine penny weight, and in the like proportion for all other gold or silver coin: Any contract, agreement or bargain, between parties to the contrary in any wise notwithstanding.

Penalty for  
refusing to  
receive the  
bills at their  
legal value.

SECT. 9. *And be it enacted by the authority aforesaid,* That if any person or persons, bodies politic and corporate, from and after the publication of this act, shall refuse to receive any of the said bills of credit, when tendered in payment of any debt, bargain, contract or demand whatsoever, provided the whole of the said debt or demand be so tendered, such person or persons, bodies politic and corporate so refusing, shall be for ever barred from suing for or recovering the same before any judge or in any court of this state.

Further pe-  
nalties.

SECT. 10. *And be it enacted by the authority aforesaid,* That if any person whatsoever shall, after the passing of this act, refuse to take and receive, any of the bills of credit aforesaid, in payment of any live stock, necessary of life, commodity, manufacture, article or goods whatsoever, which he or she shall sell or expose to sale, or offer

offer the same for a less price or smaller sum of money, to be paid in gold or silver, than in the bills of credit emitted as aforesaid or that shall give or receive a greater nominal sum of said bills of credit, for a less in gold or silver, every such person, being thereof legally convicted in any court of general quarter sessions of the peace in this state (or before one justice of the peace, in cases where the forfeiture shall not exceed five pounds) shall, for every offence, forfeit and pay the value of the article or articles so sold, or exposed to sale, one moiety thereof to the person or persons giving information of the same, and prosecuting the offender to conviction, and the other moiety for the use of the poor of the city, district or township where the offence shall be committed.

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That the party giving information as aforesaid shall be admitted a competent witness on the trial of offenders against this act, any law, custom or usage to the contrary in any wise notwithstanding.

**SECT. 12.** *And be it further enacted by the authority aforesaid,* That from and after the publication of this act, if any person or persons shall, within this state, or elsewhere, prepare, engrave, stamp, forge or print, the counterfeit resemblance of any paper bills of credit, which shall be issued, emitted, and made in virtue of this act, or shall counterfeit or sign the name or names of the signer or signers of the said bills of credit, to such counterfeit bills of credit, with an intention that such counterfeit bills of credit shall be passed in payments, or received as genuine and good bills, whether the same be so passed or received or not; or if any person or persons shall, in this state pass, pay, or tender in payment any such counterfeit money, or deliver the same to any other person or persons, with an intention that they may be passed, paid or received, as, and for good and genuine, knowing the same to be forged or counterfeited, every such person, being thereof legally convicted or attainted in any court of oyer and terminer within this state, by verdict of a jury, or confession of the party offending, or being indicted thereof, shall stand mute, or not directly answer to the indictment, or shall peremptorily challenge more than the number of twenty persons, legally returned to be of the jury, for the trial of such offender, shall be adjudged a felon, and shall suffer death without benefit of clergy. And, if any person or persons shall counterfeit any of the said bills of credit, by altering the denomination thereof, with design to increase the value of such bills, or shall utter such bills, knowing them to be so counterfeited or altered

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wealth.

Party giving information, declared a competent witness.

Penalty for counterfeiting.

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wealth.*

altered, as aforesaid, and shall be thereof legally convicted, in any court of record in this state, such person or persons shall be sentenced to the pillory, have both his or her ears cut off and nailed to the pillory, and be publicly whipped, on his or her bare back, with thirty nine lashes well laid on; and, moreover, every such offender shall forfeit the sum of two thousand pounds, lawful money of Pennsylvania, to be levied on his or her lands and tenements, goods and chattels, the one moiety to the use of the state, and the other moiety to the discoverer; and the offender shall pay to the party grieved double the value of the damages thereby sustained, together with the costs and charges of prosecution: And in case the offender hath not sufficient to satisfy the discoverer for his or her damages and charges, and to pay the forfeiture aforesaid, in such case the offender shall, by order of the court where he or she shall be convicted, be sold as a servant, for any term not exceeding seven years, for satisfaction.

Regulation  
for paying  
taxes, &c.

SECT. 13. *And be it further enacted by the authority aforesaid,* That from and after the first day of June next, no money shall be received in taxes, or other public dues in this state, other than gold or silver, or bills of credit by law equivalent thereto: And that the treasurer of this state be, and he hereby is authorised and empowered, to set apart the sum of two hundred thousand pounds of the money to be emitted in pursuance of the directions of this act, for the purpose of exchanging old continental bills of credit, the commonwealth money emitted by an act passed the twentieth of March, one thousand seven hundred and seventy seven, and the money heretofore emitted by the resolves of the assemblies of Pennsylvania, according to the rate of exchange, to be declared by the president and supreme executive council, agreeable to the powers vested in them, by an act passed the twenty third day of December, one thousand seven hundred and eighty: And in order to accommodate the people possessing any of the said old continental, commonwealth, or resolve money, in the several counties of this state, the state treasurer is hereby authorised to employ the several county treasurers in exchanging the same, according to the said rates declared by the supreme executive council, and under such restrictions as they may judge proper and necessary.

Rate of ex-  
change.County  
treasurers  
to be em-  
ployed in  
exchang-  
ing.*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday the  
7th day of April, A. D. 1781.*

SAMUEL STERETT, clerk of the general assembly.

CHAP-

## CHAPTER CCV.

1781.

An ACT for establishing a land office, and for other purposes therein mentioned.

The fifth Year  
of the Common-  
wealth.

SECTION 1. WHEREAS many of the lands in this state, heretofore taken up and located under grants, warrants and other office rights, before the tenth day of December, in the year of our Lord one thousand seven hundred and seventy six, are yet unpatented, and the purchase money and arrearages of purchase money thereon due, are vested in the commonwealth, subject to the disposal of the legislature, and the owners and holders of such rights, since the shutting up of the land office, have not had it in their power to pay in the purchase money or arrearages of purchase money, and obtain patents to compleat their titles to the same.

For remedy whereof,

SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That an office be, and it is hereby erected, constituted and appointed, which shall consist of three persons,

Office to consist of three persons.

or officers, called or known by the names of the secretary of the land office, receiver general and surveyor, general, which office shall be held and kept in the city of Philadelphia, or such other place as the general assembly, shall from time to time order and direct, and that into the said office shall be removed and safely kept, all the records and papers of the former land office or board of property, in the hands, custody or possession of the late secretary, surveyor general, receiver general, or of any other person or persons intrusted with the care or management thereof, by or under the late proprietaries of the province of Pennsylvania, or of their governors or lieutenant or deputy governors; and all future grants and confirmations of land shall issue from the said office, in manner and form herein after mentioned.

Their names.

Where to be kept.

Records of the former offices to be removed.

SECT. 3. And be it further enacted by the authority aforesaid, That the said secretary of the land office, the receiver general, and surveyor general shall be appointed by the general assembly, and commissioned by the president or vice president, in council, and shall hold their offices for the term of five years, unless sooner removed by the representatives of the freemen of this commonwealth, in general assembly met. And the said secretary of the land office, receiver general, and surveyor general, shall be intitled to receive such fees, from time to

Officers to be appointed by assembly, &c.

Continuance of their offices.

Their fees.

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point depu-  
ties, &c.*

time, as heretofore have been allowed by law, until the same shall be altered by the legislature, and shall have power to appoint deputies or clerks, to assist in executing the business of their respective offices, for whose conduct they shall be responsible, and copies of records, entries and papers of the said office, duly attested by them or their lawful deputies, under their hand and seal of office, shall be as good evidence as the original bye law might or could be. And the surveyor general shall have power to appoint a deputy or deputies in any county of this state, who shall have power to make and return into the land office, surveys of land; only in the county for which such deputy or deputies shall be appointed, for the conduct of which deputy or deputies the said surveyor general shall be responsible.

*Officers to  
enter into  
obligati-  
ons.*

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That the secretary of the land office, surveyor and receiver general shall, severally, before they are impowered to act, enter into an obligation, before the president of the state with one or more sufficient sureties, in the sum of ten thousand pounds, to the commonwealth of Pennsylvania, conditioned for the faithful discharge of their respective offices.

*Persons in-  
titled to  
lands with-  
in the Indi-  
an pur-  
chase, may  
have pa-  
tents on  
condition,  
&c.*

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That all and every the person and persons who are, or shall be intitled, either in law or equity, to any lands in this state, within the limits of the Indian purchase, by virtue of any grant, warrant, or location, before the tenth day of December, in the year of our Lord, one thousand seven hundred and seventy six, upon which patents have not issued, shall, and may, upon payment to the receiver general of the land office, hereby established, of the purchase money and interest thereon, or the arrearages of such purchase money and interest agreed on for the said lands, together with the office fees; or if no purchase money or interest is or remains due therefor, then upon payment of the office fees, be intitled to receive a patent or patents for the same as is hereafter directed; any former law, custom or usage to the contrary hereof in any wise notwithstanding. And in all cases where surveys have not yet been made or returned to the former land office, on any grant, warrant or location, issued before the said tenth day of December in the year aforesaid, the owner or owners thereof, upon applying to the land office, at any time within the space of one year, from the passing of this act, and paying down the one third of the purchase money and interest, then due on

*Where sur-  
veys have  
not been  
returned to  
the former  
office, an  
order of  
survey and  
a patent  
may be ob-  
tained on*

the

the same, shall be intitled to receive an order, directed to the surveyor general, to have the same surveyed and returned, and after such survey and return, on payment of the residue of the purchase money, and interest, in manner aforesaid, he or they shall be intitled to receive a patent and confirmation of the same in like manner.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That all purchase money due for lands in this state taken up, or entries thereof made, by any grant, licence, warrant, application, or office right whatever, before the said tenth day of December, in the year aforesaid, shall be paid into the receiver general of the land office hereby established; that is to say, the one fourth part thereof in one year after the passing of this act, one other fourth part thereof in two years after passing this act, and one other fourth part thereof in three years after passing this act, and the residue thereof in four years after the passing this act. And in case of neglect, or refusal, of paying the aforesaid quotas of the purchase money, and interest at the time herein limited for payment thereof, by the space of six months, it shall and may be lawful for the commissioners of the county, where the lands lie, to issue their warrant to the sheriff of the said county, who is hereby enjoined and required to execute the same, commanding him, after due notice, to expose the same lands, or so much thereof as may be necessary to discharge the sum due, with interest and costs, to sale, and transmit the same to the receiver general of the land office, of this state, and the said sheriff shall give the purchaser a deed for the land so by him sold, upon receipt of the purchase money and interest.

**SECT. 7.** *Provided always,* That nothing herein contained shall empower any commissioner to issue his warrant, or any sheriff to sell any lands, for non payment of purchase money and interest, where actual settlements have been made by the owner or owners of lands, and where the owner or owners of such lands have been drove off by the power of the enemy.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That the several officers of the land office, shall meet annually, and transmit to the respective county commissioners, lists of the delinquents for purchase money and interest, or arrearages of purchase money and interest, in their respective counties under the hand and seal of the secretary of the land office.

**SECT. 9.** *And be it further enacted by the authority aforesaid,* That all lands within this state, heretofore surveyed

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of the Common-  
wealth.certain con-  
ditions.Purchase  
money to  
be paid to  
the receiv-  
er general.Times of  
payment,  
&c.Manner of  
proceeding  
in case of  
refusal to  
pay.List of de-  
linquents to  
be transmit-  
ted to the  
county  
commission-  
ers.Returns of  
certain  
lands to be  
made with-

**1781.** veyed under any grant, warrant, location or other office right, shall be returned into the surveyor general's office (if not already returned) in the space of nine months from the passing of this act, and upon application made by the owners of such lands, to the surveyor, and their paying or tendering him his legal fees, in such case if the surveyor shall refuse or neglect to make, or cause to be made returns of the said land, he shall forfeit and pay the sum of fifty pounds, the one half to the informer, and the other half to the use of the state, to be recovered in any court of quarter sessions, in this state, by indictment or

information.

SECT. 10. *And be it further enacted by the authority aforesaid*, That all patents to be granted in pursuance of this act, shall be by deed poll, and signed by the president, or in his absence by the vice president, in council, and countersigned by the secretary of council, and under the state seal, in form following, viz. "The supreme executive council, of the commonwealth of Pennsylvania, To all to whom these presents shall come greeting. "Know ye, Form of the patent. That in consideration of the sum of lawful money, paid by into the receiver general's office, of this commonwealth, there is granted by the said commonwealth, unto the said a certain tract or parcel of land, containing acres, lying in the county of and township of (describing the particular bounds of the land, and the date of the survey on which the grant issues) with its appurtenances, To have and to hold the said tract or parcel of land, with the appurtenances unto the said and his heirs, to the use of the said his heirs and assigns forever. (Here insert the tenure and reservation) in witness whereof his excellency esquire, president (or if absent, the honorable esquire, vice president) of the supreme executive council, hath hereunto set his hand, and caused the state seal to be hereunto affixed, the day of in the year of our Lord the Attest.

and of the commonwealth secretary."

Where to  
be record-  
ed.

Lands granted to be clear of all reservations, &c.

Which patent shall be recorded in the rolls office of this state.

SECT. 11. *And be it further enacted by the authority aforesaid,* That all and every of the land or lands granted, in pursuance of this act, shall be free and clear of all reservations and restrictions as to mines, royalties, quit rents, or otherwise, so that the owners thereof respectively shall be intitled to hold the same in absolute and unconditional property, to all intents and purposes whatsoever.

ever, and to all and all manner of profits, privileges and advantages belonging to, or accruing from the same, and that clear and exonerated from any charge or incumbrance whatsoever, excepting the debts of the said owner, and excepting and reserving only the fifth part of all gold and silver ore, for the use of this commonwealth, to be delivered at the pitt's mouth, clear of all charges.

SECT. 12. *And be it further enacted by the authority aforesaid,* That nothing in this act shall extend or be construed to extend, to give validity to any grant, warrant, or location, issued after the fourth day of July, in the year of our Lord one thousand seven hundred and seventy six, for any lands or lots, within ten miles of the city of Philadelphia, or within three miles of any county town in this state, or to any warrant, grant or location, for a greater quantity of land than five hundred acres in one tract, or to any lands or lots, not granted in the usual forms of the land office, or to lands not within the Indian purchase, any thing herein contained to the contrary in any wise notwithstanding.

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of the Common-  
wealth.  
The grants,  
&c. to  
which this  
act shall ex-  
tend.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
9th day of April, A. D. 1781.*

SAMUEL STERETT, clerk of the general assembly. §

## C H A P T E R C C V I .

*An ACT to amend the act, intitled, "An Act for the more effectual supply and honorable reward of the Pennsylvania troops, in the service of the united states of America," and the act, intitled, "An Act to settle and adjust the accounts of the troops of this state, in the service of the united states, and for other purposes therin mentioned."*

SECTION 1. WHEREAS doubts have arisen, whether the chaplains and surgeons of the Pennsylvania line are included in the act, intitled, "An Act to settle and adjust the accounts of the troops of this state, in the service of the united states, and for other purposes therin mentioned," passed the eighteenth day of December, in the year of our Lord, one thousand seven hundred and eighty. And whereas the chaplains and

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 of the Commonwealth.*

surgeons of the said Pennsylvania line, engaged to serve during the present war, have not by the act, intitled, "An Act for the more effectual supply and honorable reward of the Pennsylvania troops in the service of the united States of America," the encouragement and reward their services and sufferings justly entitle them to.

Chaplains and surgeons admitted to the emoluments of commissioned officers.

On condition, &c.

Proviso.

Officers liable to be called into service.

Penalty for refusing, &c.

Council to appoint additional auditors.

Their authority and reward.

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the chaplains and regimental surgeons of the Pennsylvania line, engaged to serve during the present war, shall be, and they are hereby intitled to all the emoluments and benefits, to all intents and purposes, which the military commissioned officers, in the said line, are intitled to, under the act, intitled, "An Act to settle and adjust the accounts of the troops of this state, in the service of the united states, and for other purposes there in mentioned," passed on the eighteenth day of December, in the year of our Lord, one thousand seven hundred and eighty ; and also shall be intitled to the half pay of a captain during life ; they, the said chaplains and surgeons, continuing in service during the present war with Great Britain.

SECT. 3. Provided always, and be it enacted by the authority aforesaid, That all commissioned officers, chaplains and surgeons, of the Pennsylvania line aforesaid, who are or hereafter shall be intitled to half pay, shall be liable to be called into actual service by the supreme executive council of this state, at any time hereafter ; and if any of the commissioned officers, chaplains or surgeons of the said line, shall neglect or refuse to go and continue in said service, when called to it as aforesaid, such half pay shall from thence cease and determine ; any thing in any law of this state to the contrary in any wise notwithstanding.

SECT. 4. And be it enacted by the authority aforesaid, That the supreme executive council of this state may, and they are hereby authorised and impowered to appoint any additional number of auditors, above the number of three mentioned in the act, intitled, "An Act to settle and adjust the accounts of the troops of this state, in the service of the united states, and for other purposes there in mentioned," as they shall judge necessary for expediting the busines to be performed by the said auditors, which additional auditors, shall have all the powers and authority, and the like reward for their services which are

are given and granted by the said act to the auditors therein mentioned.

SECT. 5. *And whereas it hath been represented to this house, that it is both necessary and expedient, to pay off and discharge a certain proportion of the sums specified in the certificates lately granted to the officers and soldiers of the Pennsylvania line, for their depreciation of pay;*

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wealth.*

SECT. 6. *Be it therefore further enacted by the authority aforesaid,* That the supreme executive council be, and they hereby are authorised to draw upon the treasurer of the state, for such sum or sums of money as they may deem necessary, and place the same in the hands of certain commissioners, to be especially appointed by them for that purpose, (which they are hereby empowered to do) who shall attend at the rendezvous of the respective regiments, on or before the first day of May next ensuing, and then and there pay to such officers and privates who are in actual service, and shall make application for the same, one third part of the sums found due on settlement and specified in the certificates aforesaid respectively.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said commissioners are hereby authorised and directed, to take up and transmit to the treasurer of this state the certificates aforesaid, and to issue new certificates to the said officers and private men for their respective balances; which said new certificates shall bear lawful interest, and shall be transferable, in the same manner, as promissory notes are by law: any former law to the contrary hereof in any wise notwithstanding.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the certificates of such officers and soldiers, as shall not apply to the commissioners aforesaid for payment, shall bear lawful interest, and be transferable in like manner, as the new certificates herein before directed to be granted, and the possessor or possessors of the same may, when he or they shall think proper, call on the treasurer of the state for a third part of the sums mentioned in the said certificates respectively, who is hereby authorised and directed to pay the same, and the said treasurer is hereby further authorised and directed to retain the said certificates in his hands, and grant new certificates for such balance as may be due, in manner and form as is above directed.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the supreme executive council be, and they hereby are authorised and impowered to order sale to be made of all forfeited estates appropriated by the act intitled,

Part of the  
sums speci-  
fied in the  
certificates  
to be paid  
off.

New cer-  
tificates to be  
granted,  
which shall  
bear inter-  
est and be  
transfера-  
ble.

Other cer-  
tificates to  
bear inter-  
est, &c.

A part  
thereof to  
be paid,

and new  
ones grant-  
ed.

Certainfor-  
feited  
estates to be  
sold on or  
before 10th  
May.

" An

## HIS EXCELLENCE

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of the Common-  
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money.*

"An ACT to settle and adjust the accounts of the troops of this state in the service of the united States, and for other purposes therein mentioned," on or before the tenth day of May next ensuing, and apply the money arising therefrom, to the uses and purposes in this act mentioned; any thing in the fourth section thereof to the contrary notwithstanding.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Tuesday, the  
10th day of April, A. D. 1781.  
SAMUEL STERETT, clerk of the general assembly.*

## CHAPTER CCVII.

*An ACT for the better support of the public credit, by an immediate sale of the lands therein mentioned, and fully securing the purchasers thereof in their titles, and also for preserving the common lands, appurtenant to the city of Philadelphia, and other towns in this state, from unwarrantable encroachments.*

Preamble. SECTION I. WHEREAS the speedy and honorable redemption of the bills of credit, issued for the support of the just and necessary war in which we are now engaged, will have a happy tendency to re-establish public faith, and induce well affected individuals freely to advance their property for the purposes of government, if they are secured of a true and real equivalent. And whereas the bills of credit of this state, dated on the twenty ninth day of April last, were founded upon the solid property of the state, consisting of the Province Island, and the unappropriated lots, contained within the bounds of the city of Philadelphia; which said lands were, by a former act of assembly, subjected to sale, to be made by the president, or vice president in council, at any time within four years thereafter. And a speedy sale of the said island having become necessary, the same hath been advertised at public auction, to redeem the said bills of credit, so far as the price thereof shall extend. And whereas it is manifest, that a part of the said bills of credit will remain unredeemed after the said island shall be sold as aforesaid, for the redemption of which the said city lots have been solemnly pledged, and it is necessary to dispose of the same in like manner, so that the purchasers

chasers may be assured of a clear and indefeasible title, and thereby be induced to offer the full value thereof.

SECT. 2. Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That it shall and may be lawful for the president or vice president in council, and he is hereby authorised and required with all convenient speed, to apportion and set off such, and so many of the said city lots, as shall, in his judgment and discretion, be sufficient to satisfy and redeem the residue of the said bills of credit, together with the interest which shall be due thereon, and also the charges of selling the said lands, and cancelling the said bills of credit remaining unredeemed, after the sale of the said island, and so apportioned and set off, sell the same at public auction, to the highest bidder, pursuant to the said act, intitled, "An Act for striking the sum of one hundred thousand pounds in bills of credit, for the present supply of the army, and for establishing a fund for the certain redemption of the same, and for other purposes therein mentioned," in all cases receiving in payment for the said island, and the said lots, the said bills of credit, issued pursuant to the said act, or Spanish milled dollars, or an equal sum in gold or silver, and no other money whatsoever.

SECT. 3. Be it also enacted, by the authority aforesaid, That each and every purchaser of the said lands, herein before mentioned, and every part thereof, having received his deed or grant from the president or vice president in council, shall, from thenceforth, become seised of a sure and indefeasible estate in fee simple, against all claims or demands whatsoever; and in case of any suits brought for such land, or any part thereof, the grantee under this act, his or her heirs or assigns may plead the general issue, and give this act in evidence, which shall be final and conclusive to the court and jury, against any claimant or demandant, in any suit to be brought at any time hereafter for the lands which shall be granted as aforesaid, or any part thereof.

SECT. 4. And whereas it may happen, that claims may be hereafter made upon some of the said lots, by the descendants of the original purchasers under William Penn, esquire, or purchasers under his successors, to grantees who have neglected to set out and appropriate the same in severalty, so as to be distinguished from the common lands appurtenant to the said city; for remedy whereof,

SECT. 5. Be it enacted by the authority aforesaid, That How just  
in claimants

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of the Common-  
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ty lots to be  
sold at pub-  
lic auction,to redeem  
bills of cre-  
dit, &c.What mo-  
ney shall be  
received in  
payment.Purchasers  
to have in-  
defeasible  
estates in  
fee simple.

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of the Common-  
wealth.are to be sa-  
tisfied.Manner in  
which  
claimants  
are to pro-  
ceed.And the  
justice of  
claims is to  
be ascer-  
tained.How costs  
are to be  
paid, &c.Claimants  
to have a  
certain  
writ, &c.

in every such case the claimant, having ascertained the justice and right of his claim agreeable to the laws of this state, as herein after set forth, shall be intitled to a full equivalent for the same, having due regard to situation in any other of the unappropriated lots appurtenant to the city, and now vested in this commonwealth.

**SECT. 6.** And to the end that speedy and ample justice may be done to every such claimant, prosecuting his claim within the time hereinafter limited, *Be it enacted by the authority aforesaid*, That in case any suit be brought, every such claimant, or other claimant of any part of the lands, whereof this commonwealth is possessed, (lands in the counties of Bedford, Northumberland, Westmoreland, and Washington only excepted) before he or she takes possession of any of the said lots or lands so claimed, shall proceed in manner following, and no other, viz. He shall present a petition to the president, or vice president in council, setting forth, in a summary manner, the nature of his claim, and whence derived, and if, in such petition, he or she shall request a trial by a jury, the said president or vice president in council, shall, *ex officio*, grant the same, by directing the attorney general, to receive a declaration in ejectment, against himself, as representing the commonwealth in such cases, wherein the premisses claimed, shall be particularly described, and appear thereunto in the supreme court only, and proceed to trial thereupon, according to the laws and practice of this state, in possessory actions. And if it shall so happen, that judgment be obtained against the said attorney general, on verdict or demurrer, and the court awards costs thereupon, the said president, or vice president in council, is hereby authorised and required to cause the same to be paid, the bill being first duly taxed, together with all necessary and reasonable expences attending the defence, out of any monies which shall be in the hands of the treasurer of the state, not otherwise specially appropriated.

**SECT. 7.** *And be it further enacted by the authority aforesaid*, That upon such claim being ascertained as aforesaid; or if the claimant shall not, in his or her said petition, request trial by jury (which omission shall be deemed a full and final consent to abide the determination of the president or vice president, in council, on the merits of his or her claim) and if such determination shall be in his or her favour, he or she shall then be intitled, at his own expence, to a writ, to be framed by the prothonotary of the supreme court, in which the premisses recovered shall be also particularly described, directed to the sheriff

riff of the county, commanding him to summon a jury of twelve good and lawful men, who being duly sworn or affirmed, shall proceed to assign to the said claimant, so much of the said unappropriated lots, within this city, as shall in their judgment (having due regard to quantity and quality) be equal in value to the lots so claimed by him or her; and such writ being duly returned, to the said supreme court, such return approved of by the court, and judgment thereon entered, shall be conclusive in favour of the party, and a writ of possession issue thereupon.

**SECT. 8.** *And whereas* a century hath now elapsed since the granting of the original charter of Pennsylvania, and upwards of eighty years since its actual settlement, and it being reasonable that there should be a limitation of suits, and dormant claims upon the estate of the public, as well as that of individuals,

**SECT. 9.** *Be it therefore enacted by the authority aforesaid,* That no person shall have or maintain any action, real, personal or mixed, against the commonwealth, represented as aforesaid, or otherwise, for any lands, tenements or hereditaments, within Pennsylvania, by virtue of any grant or conveyance of the original proprietor, to his or her ancestor or predecessor, or to the ancestor or predecessor of his or her grantor, unless he or she shall commence and prosecute the same within seven years after the publication of this act; or by virtue of any grant or conveyance of the subsequent proprietaries of this state (lands in the counties of Bedford, Northumberland, Westmoreland and Washington only excepted) but within ten years from the publication hereof, and in default thereof all and every such claimants, or claimant shall be utterly barred and excluded from any entry, right of entry, title, property and demand, in or upon such lands, or any suit whatsoever in law or equity for the same.

**SECT. 10.** *Provided always,* That if any person or persons, who is or are intitled to have or maintain any such action, be at the time of the publication of this act, within the age of twenty one years, *feme covert, non compos mentis*, impisioned or beyond sea, other than those who have voluntarily gone to the dominions of the king of Great Britain, from this or any of the united states, since the fourth day of July one thousand seven hundred and seventy six, that then such person or persons shall be at liberty, (except as before excepted) to bring the said actions, so as he or they commence the same within such times, as are herein before limited after his or her or their coming

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lots assign-  
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Time limit-  
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Claims are  
to be made  
against the  
common-  
wealth.

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wealth.

coming to, or being of full age, discoverture, sound memory, at large, or returning to this state, as in the case of other persons.

SECT. 11. *And whereas* divers persons pretending title or leases, or permissions from the late proprietaries, or without any pretence whatsoever, have taken into possession divers lots appurtenant to the city, and to the other towns within this state, which lots were held by the said proprietaries as such, and not in their private several right and capacities. And whereas such possession is not only injurious to the other citizens, who are entitled to the use of said lands, as common for their cattle, but will embarrass the future sale and appropriation of the said lots, for the general benefit of the state: For remedy whereof,

**The manner in which the city lots and certain lots appurtenant to other towns are to be taken care of.**

SECT. 12. *Be it enacted by the authority aforesaid,* That the care and custody of the city lots in Philadelphia, shall be and is hereby vested in the wardens of the city; and the care and custody of the lots appurtenant to the town of Reading, shall be and hereby is vested in Samuel Mifflin, Henry Christ and Henry Hallar; and the care and custody of the lots appurtenant to the town of York in the county of York, shall be and hereby is vested in Archibald M'Clean, Michael Swoope, and William Scott; and the care and custody of the lots appurtenant to the town of Carlisle, in the county of Cumberland, shall be and hereby is vested in John Montgomery, Samuel Laird and James Pollock; and the care and custody of the lots appurtenant to the several towns of Easton, in the county of Northampton; Bedford, in the county of Bedford; Sunbury, in the county of Northumberland, and Hannah's town, in the county of Westmoreland; shall be, and is hereby vested in the justices of the peace, residing in, and within two miles of the said towns respectively; to the end that the said lots may be preserved from encroachment and private use, and for the benefit of common to the inhabitants of the said city and towns, until the same be appropriated under the authority of the legislature of the state, for building, improvement or other use. And that all such encroachments and unwarrantable inclosures, within the said city and towns, may be discovered and removed without delay,

**Manner of proceeding in cases where lots are in the possession of private persons, &c.**

SECT. 13. *Be it enacted by the authority aforesaid,* That the said wardens of the city of Philadelphia, the said Samuel Mifflin, Henry Haller, Henry Christ, Archibald M'Clean, Michal Swoope, William Scott, John Montgomery, Samuel Laird, and James Pollock of Reading, York and Carlisle; and the said justices of Northampton, Bedford,

Bedford, Northumberland and Westmoreland, respectively, or any two of them, are hereby authorised and required, on their own knowledge, or on the complaint of any two respectable freeholders, made to them in writing, and in the said writing disclaiming any right, or pretence in themselves to said lots, or any part thereof, to summon any person possessing any of the said lots, before any justice of the supreme court, in the vacation, or on the circuit, to shew by what warrant or authority, he or she holds or possesses the said lots, or any part of them ; and if the said party shall not plead title to the premisses, under a patent, or judgment of court, or a possessory right, by virtue of an unexpired lease from the said proprietaries, or their agent duly authorised, at the same time producing such patent, judgment or lease, or an authentic record thereof, it shall and may be lawful for the said justice, at the expiration of fifteen days, from the service of said summons, and he is hereby required to award the possession of said lot to the commonwealth, and issue his warrant to the sheriff of the county, to abate and remove the inclosures of said lot, or buildings erected thereon, as in the case of common nuisance, and open the premisses as a free common of pasture to the inhabitants ; upon which proceedings no writ of *certiorari*, or other writ of removal, to any superior court shall be allowed or received, so as to stay the delivery of the possession, agreeable to the award of the said justice, and the tenor and direction of said writ. But if the said judgment shall be reversed for any cause whatsoever, the party shall be restored to his possession.

SECT. 14. *Provided always,* That nothing herein contained, shall defeat or prejudice, or be construed to the defeasance or prejudice of any title, which the party so dispossessed may have, and which he may prosecute as hereinbefore directed.

SECT. 15. *Be it also enacted by the authority aforesaid,* Manner of proceeding where persons are sued for executing this act. That if any suit or suits shall be brought against any person or persons, for any thing done pursuant to this act, the action shall be laid in the county, where the cause of action shall arise, and not elsewhere, nor after twelve months. And the defendant or defendants, in such action to be brought may plead the general issue, and give this act and the special matter in evidence ; and if the jury shall find for the defendant, or defendants, in such action or actions, or the plaintiff become nonsuit, or discontinue his, her, or their action, or actions, after the defendant or defendants shall have appeared, or if upon

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of the Common-  
wealth.*

**Penalty on  
the persons  
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serve.**

**How recov-  
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demurrer, judgment shall be given against the plaintiff, or plaintiffs, the defendant or defendants shall recover treble costs, and have the like remedy for the same, as any defendant or defendants had, or have, in other cases, to recover costs by law.

**Sect. 16.** *Be it also enacted by the authority aforesaid,* That if the said wardens of the city of Philadelphia, or Samuel Mifflin, Henry Christ, Henry Haller, Archibald M'Clean, Michael Swoope, William Scott, John Montgomery, Samuel Laird, and James Pollock, of the towns of Reading, York and Carlisle, or the said justices dwelling in or near the towns of Easton, Bedford, Sunbury, and Hannah's town, refuse or neglect to perform the duties herein and hereby directed, and the same shall be prosecuted in the court of oyer and terminer, or the court of general quarter sessions of the peace of the proper county, and bills of indictment in either of the said courts be found against them, or any of them, for such refusal or neglect, whereon they or any of them shall be prosecuted to conviction, they shall pay a fine of twenty pounds each, for every such offence, to the use of the poor of the said city and towns respectively, to be paid to the overseers thereof.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Tuesday, the  
10th day of April, A. D. 1781.*

SAMUEL STERETT, clerk of the general assembly.

1781.

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wealth.

## LAW

Enacted in the third sitting of the fifth general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, on *Thursday*, the twenty fourth day of *May*, A. D. 1781.

## CHAPTER CCVIII.

*A supplement to an act, intitled, "An Act to permit the exportation of flour of wheat from this state, by sea, under certain limitations and restrictions."*

SECTION 1. WHEREAS the limitations and restrictions contained in the sixth and seventh sections of the act, intitled, "*An Act for laying an embargo on the exportation of provisions from this state, by sea, for a limited time,*" passed the twenty eighth day of February, one thousand seven hundred and eighty, and also contained in the fourth section of an act, intitled, "*An Act to revive and continue for a further limited time the act for laying an embargo on the exportation of provisions from this state, by sea, for a limited time,*" and also certain parts of an act, intitled, "*An Act to permit the exportation of flour of wheat from this state, by sea under certain limitations and restrictions,*" passed the twenty seventh day of February, one thousand seven hundred and eighty one, whereby all persons shipping flour of wheat were to offer or tender a quantity equal to one third part of the quantity to be shipped unto the proper officer appointed by the president and council for that purpose, have been found by experience prejudicial to the commerce of this state, and have not produced the good effects expected therefrom by the legislature.

SECT. 2. Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of *Pennsylvania*,

## HIS EXCELLENCE

1781. *Pennsylvania, in general assembly met, and by the authority of the same,* That the sixth and seventh sections of the act, intitled, "An Act to permit the exportation of flour of wheat from this state, by sea, under certain limitations and restrictions," and all things therein contained, compelling or obliging the shipper of wheat flour to tender or deliver to the said officer a quantity equal to one third part of the quantity to be shipped, be, and the same are hereby repealed and made null and void; any thing in the fourth section of the act aforesaid, passed the twenty seventh day of February, one thousand seven hundred and eighty one, to the contrary thereof in any wise notwithstanding.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the  
7th day of June A. D. 1781.  
SAMUEL STERETT, clerk of the general assembly.*

## CHAPTER CCIX.

*An ACT to raise effective supplies for the year one thousand seven hundred and eighty one.*

**Preamble.** SECTION 1. WHEREAS the honorable congress of the united states of America, did, by their resolution of the fifteenth of January, one thousand seven hundred and eighty one, demand of the several states in union such effective supplies as might enable them to carry on the war with vigor and effect: And whereas it is the desire of the representatives of the freemen of this state, to comply with the said resolution of congress.

**Sect. 2.** Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the sum of two hundred thousand pounds shall be raised, levied, collected and paid within the current year, (over and above all arrearages of taxes assessed in the old continental currency) and shall be levied, assessed and raised, in the city of Philadelphia, and the several counties of this slate, according to the method and proportion following, that is to say;

**Proportion of the city and counties.**

In the city and county of Philadelphia, the sum of sixty

ty six thousand two hundred and sixty pounds five shillings and eight pence.

In the county of Bucks, the sum of thirteen thousand one hundred and five pounds thirteen shillings and two pence.

In the county of Chester, the sum of twenty one thousand and thirty seven pounds seventeen shillings and three pence.

In the county of Lancaster, the sum of twenty eight thousand four hundred and seventy two pounds eight shillings and five pence.

In the county of York, the sum of fifteen thousand eight hundred and sixty two pounds eighteen shillings.

In the county of Cumberland, the sum of fourteen thousand nine hundred and nine pounds sixteen shillings.

In the county of Berks, the sum of fourteen thousand three hundred and twenty pounds three shillings and seven pence.

In the county of Northampton, the sum of eight thousand two hundred and forty three pounds thirteen shillings and eight pence.

In the county of Bedford, the sum of four thousand five hundred and nineteen pounds seven shillings and five pence.

In the county of Northumberland, the sum of five thousand five hundred and eighty two pounds fifteen shillings and two pence.

In the counties of Westmoreland and Washington, the sum of seven thousand six hundred and eighty five pounds one shilling and eight pence.

*SECT. 3. And be it further enacted by the authority aforesaid,* That the commissioners of the city and county of Philadelphia, and of every county in this state, or any two of them, shall meet together on or before the first Tuesday in July next, at their usual places of meeting, in the city and in their several counties, and shall then and there issue their warrants, under their hands and seals, to the township, ward or district assessors of each township, ward or district within their respective counties, requiring them the said assessors, to make fair returns in writing on a certain day to be by them appointed, of the names and surnames of all the taxable inhabitants and single freemen within their respective townships, wards or districts; together with a fair and true return of all their estates real and personal, made taxable by this act, in what county situated, and to whom such estates do respectively belong. And to enable the commissioners to do the strictest justice

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of the Common-  
wealth.*

Commissi-  
oners to  
meet on or  
before the  
first Tues-  
day in July,  
and issue  
their war-  
rants to the  
assessors, re-  
quiring  
them to  
make re-  
turns of  
persons and  
property,  
&c.

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of the Common-  
wealth.An oath or  
affirmation  
to be admi-  
nistered to  
each tax-  
able.Penalty on  
persons re-  
fusing to  
make re-  
turns or to  
swear to the  
truth there-  
of.Assessor to  
find out and  
return prop-  
erty refus-  
ed to be re-  
turned.Lands not  
returned to  
be charged  
in the next  
assessment,  
&c.

stice in assigning the quota of the several townships, wards and districts within the city and each county of this state, the said assessors are hereby empowered and required to administer to each taxable within their respective townships, wards or districts, an oath or affirmation in the following words, viz. "I, A. B. do swear, (or solemnly, sincerely and truly declare and affirm,) that the return which I have made, is to the best of my knowledge, a just and true return of all my taxable property real and personal, and in what county situated: And that I have not directly or indirectly parted with or disposed of any property, on any condition expressed or implied to have the same returned to me with intention to avoid paying the tax thereupon." And if any person or persons shall neglect or refuse to give a return of their taxable property when required as aforesaid, or shall neglect or refuse to swear or affirm to the truth of the same, every such person or persons so neglecting or refusing, shall, for every such offence, forfeit and pay a sum equal to the tax at which such person or persons shall be rated by this act, to be levied and collected by the collector of the proper township, by virtue of a special warrant, which the commissioners or any two of them, are hereby empowered and required to grant, and the same shall be paid into the treasury of this commonwealth. And in order that the said tax may be levied, the assessor shall use his best endeavours according to the duty of his office, to inform himself of all property so concealed or refused to be returned, and shall make return thereof, that the same may be taxed according to the true intent and meaning of this act.

*SECT. 4. And be it further enacted by the authority aforesaid,* That if any person shall neglect or refuse to make returns on oath or affirmation as aforesaid, of all and every tract or parcel of land he or she shall possess within this state, to the assessor of the place where such person shall dwell or reside, all such lands so omitted, shall be liable and subject to be charged with all such taxes the next or any subsequent assessment, which the same lands ought to have been charged with had they been duly assessed as by this act is directed. And if any such tract or parcel of land so returned, shall be situated out of the city or county where such person and assessor shall dwell, then the commissioners of the city or such county, or some one of them, shall, as soon as conveniently may be, transmit a copy of such return to the commissioners of the county where the land shall lie.

SECT

SECT. 5. *And be it further enacted by the authority aforesaid,* That any two or more of the commissioners of the respective counties shall have power, and they are hereby enjoined and required to appoint assessors, in case of removal by death, disability, refusal or neglect to serve, of the present assessors, or where the townships neglect to elect such assessors.

SECT. 6. *And be it further enacted by the authority aforesaid,* That when the commissioners of any county shall receive the return of the assessors as before directed, they shall forthwith proceed to quota the several townships, wards and districts in the city of Philadelphia, and the several counties of this state, in proportion to the quantity and quality of the property returned as aforesaid.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the commissioners of the several counties within this state, shall, within six days after quotaing the townships, wards and districts as aforesaid, furnish the assessor of each ward, township and district, with a true and fair transcript of the quota or sum of money charged upon, and demanded from such township, ward or district, to which such assessor doth belong.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the assessors of each township, ward or district within this state, with the assistance of two free-holders of the proper township, ward or district, (who shall, and are hereby required to be appointed by the commissioners of the county for that purpose) shall, within three days after the said assessors shall become possessed of the quota or sum of money so assessed, levy and assess the same equally and impartially, on all and every person, and on all the estates real and personal, within their respective townships, made taxable by this act.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the following enumerated articles shall be and are hereby made taxable, and no other, viz. The time of servitude of all bound servants above the age of fourteen years; all negro and mulatto slaves above the age of twelve years; all horses and mares above three years old; all horned cattle above three years old; plate and pleasurable carriages; all lands held by deed, warrant, location, or improvement; houses and lots of ground and ground rents; all grist mills, saw mills, fulling mills, slitting mills, hemp mills, oil mills, snuff mills, and paper mills; all forges, furnaces, bloomaries, distilleries, sugar houses, breweries, tan yards and ferries, and on all wares and merchandize, and on all professions, trades and occupations.

SECT.

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of the Common-  
wealth.Commissi-  
oners may  
appoint as-  
sessors in  
case of re-  
moval, &c.Commissi-  
oners to  
quota the  
districts,  
&c.And to  
furnish as-  
sessors with  
a transcript  
of the quo-  
ta of the  
townships,  
&c.Assessors  
and free-  
holders to  
assess the  
quota of  
each town-  
ship, &c.  
on the per-  
sons and  
estates  
therein.The sev-  
eral objects  
of taxation.

## HIS EXCELLENCE

1781.

7<sup>th</sup> feb<sup>r</sup> Year  
of the Common-  
wealth.To be rated  
at what  
they are  
worth, &c.Single free-  
men to be  
taxed,and profes-  
sions, &c.  
at the dis-  
cretion of  
the asses-  
sors and  
freehold-  
ers.Goods of  
tenants, &c.  
liable to be  
distrainted  
for taxes.Proviso.

*SECT. 10. And be it further enacted by the authority aforesaid, That all and every the enumerated articles aforesaid shall be valued at and for so much as they would bona fide sell for, or are worth, and such a rate or rates shall be assessed and levied thereon, as will amount to the sum of money quotaed upon the city of Philadelphia, and the several counties of this state.*

*SECT. 11. And be it further enacted by the authority aforesaid, That each single freeman, who at the time of assessing any tax imposed by this act, is or shall be of the age of twenty one years or upwards, and has been out of his apprenticeship six months, shall pay a sum not exceeding six pounds, nor under forty five shillings. And that all trades, professions and occupations, (ministers of the gospel of all denominations, and schoolmasters only excepted,) shall be rated at the discretion of the township, ward or district assessors, and two freeholders of the proper township, ward or district, having due regard to the profits arising from them.*

*SECT. 12. And whereas divers owners of lands, whereon improvements have been made, and of tenements, may not reside in the county or district where such lands or tenements are situated, whereby it may be difficult to collect the taxes assessed on such real estate: For remedy whereof,*

*Be it enacted by the authority aforesaid, That the tenant or tenants, or other person residing on or occupying such real estate, his, her and their goods and chattles, as well as the lands, goods and chattles of the owner or owners thereof, shall be liable to be distrained to satisfy the said taxes or any of them: And in case the tenant or tenants, or other person or persons residing on or occupying such real estate, shall pay any tax laid thereon by virtue of this act, or shall be distrained to satisfy such tax, such tenant or tenants may retain the same out of the rent by him, her or them payable for such estate; or the said tenant or tenants, or other occupier or occupiers of such estate, shall recover the same with costs of suit, of the owner of such estate, by action of debt; if under five pounds, in a summary way, in like manner as small debts are recoverable; but if the same is above five pounds, in any court of common pleas.*

*SECT. 13. Provided always, That nothing in the foregoing section shall in any manner alter any contract made between any landlord and tenant concerning the payment of taxes.*

*SECT. 14. And be it further enacted by the authority aforesaid,*

*aforesaid*, That each county commissioner, and township, ward, district or assistant assessor, shall respectively, before they enter on any of the duties required of them by this act, before some one justice of the peace for the proper county, make oath or affirmation, as is herein after directed, to wit, if a county commissioner, "I, A. B. do swear or affirm, that I will well and truly cause the rates and sums of money by this act imposed, to be duly and equally assessed and laid, according to the rules and directions mentioned in the act, intitled, "An Act to raise effective supplies for the year one thousand seven hundred and eighty one," to the best of my skill and knowledge, so far as relates to the duty and office of a commissioner, and herein I will spare no person for favour or affection, or grieve any for malice, hatred or ill will." If a township, ward, district or assistant assessor, the following oath or affirmation, to wit, "I, A. B. do swear or affirm, that I will faithfully and impartially assess the quota of the township, ward or district of \_\_\_\_\_ imposed by virtue of the act, intitled, "An Act to raise effective supplies for the year one thousand seven hundred and eighty one," on the several persons and taxable property therein contained, to the best of my skill and understanding; and that in performing the duties required of me by that act, I will spare no person for favour or affection, or grieve any for hatred or ill will."

SECT. 15. *And be it further enacted by the authority aforesaid*, That the commissioners or any two of them, shall appoint one fit person in or for every township, ward or district, to be collectors of the taxes to be raised by virtue of this act.

SECT. 16. *And be it further enacted by the authority aforesaid*, That commissioners of the proper county shall prefix in the duplicate delivered to the collector, before the delivery thereof, a warrant under their hands and seals, authorising and requiring the collector, after the day of appeal shall be passed ten days, to levy the sums rated on all persons who shall not upon demand after the said appeal, forthwith satisfy the same.

SECT. 17. *And be it further enacted by the authority aforesaid*, That if any assessor, legally chosen, or any person appointed by the said commissioners to be an assessor or an assistant assessor or collector, shall not within two days after notice in writing of such election or appointment, make known his intention to the commissioners of the county, to serve or decline the office to which such person hath been or shall be so chosen or appointed, the

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of the Common-  
wealth.  
Commis-  
sioners and  
assessors to  
take an oath  
or affirma-  
tion.

Commissi-  
oners to ap-  
point col-  
lectors.

Commissi-  
oners to  
prefix a  
warrant to  
the dupli-  
cates of col-  
lectors, &c.

When asses-  
sors and col-  
lectors are  
to be consi-  
dered as re-  
fusing to  
serve, &c.

## HIS EXCELLENCE

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of the Common-  
wealth.Fine on as-  
sessors and  
collectors  
refusing to  
serve.

said commissioners shall consider such person as having refused to serve in such office, and may proceed to fine such person, and appoint another in his stead, as if such person had actually refused to serve in such office.

**SECT. 18.** *And be it further enacted by the authority aforesaid,* That the fine on any person refusing to serve as an assessor or assistant assessor, shall be any sum not exceeding fifty pounds; and the fine on any person refusing to serve as collector of any district, shall be any sum not exceeding fifty pounds. And in case any assessor or assistant assessor or collector, after taking upon him his office, shall neglect to perform his duty therein, any such delinquent shall be fined in any sum not exceeding one hundred pounds; and if any person chosen or appointed to be an assessor, or appointed to be an assistant assessor or a collector, or if any other person shall detain any warrant, duplicate or other writing, necessary to the assessing or levying the said tax, beyond the time when such person shall have declined or be deemed to have declined any such office, or after demand thereof made by the said commissioners, or by any person authorised by them to demand the same, every such delinquent shall be fined in any sum not exceeding one hundred pounds; the said fines to be ascertained and set by the commissioners of the county, and levied as other fines are or ought to be levied by virtue of the said act.

Collectors  
after dis-  
tress and  
sale, to pay  
overplus  
money to  
the treasur-  
er, if refus-  
ed by the  
owner of  
the goods.

**SECT. 19.** *And be it further enacted by the authority aforesaid,* That in case any collector, after distress and sale by him made, shall have any overplus money remaining in his hands, such collector, first tendering the same before one witness, to the owner of the goods distrained and sold, shall, upon the refusal of such owner to receive such money, pay the same to the treasurer of the county, who shall deduct therefrom one per centum, and give notice thereof in twenty days to the commissioners of all sums so paid; and the owner thereof shall have the remainder discounted out of any future tax, and the receipt of the said treasurer shall exonerate the collector.

Collectors  
to make  
out ac-  
counts of  
their sei-  
fures, &c.

**SECT. 20.** *And be it further enacted by the authority aforesaid,* That the collectors shall make out fair and true accounts in writing, of every seizure by them made, with the charges, to be settled by the commissioners; which commissioners shall make the collectors such reasonable allowance for their trouble, as to them shall seem right; and the said commissioners shall have full power and authority in all cases to call upon collectors, who have, or in future may have any overplus money in their hands, and

and to proceed against them in such cases as the law directs in case of delinquent collectors.

**SECT. 21.** *And be it further enacted by the authority aforesaid,* That the collector of every district, ward or township, shall pay unto the county treasurer, the whole of the tax charged in his duplicate, within thirty days after the day of appeal, unless he hath been obliged to make distress for any part thereof; in which case and no other, he shall, as to the tax assessed on the parties distrained on, have ten days more; after which the commissioners of the county shall fine such deficient collector, at the rate of three pence in the pound, upon all sums charged in his duplicate, which such collector shall not have paid to the said treasurer for every day he shall fail to make payment thereof as aforesaid; such fine to be recovered in manner aforesaid.

**SECT. 22.** *And be it further enacted by the authority aforesaid,* That every county treasurer of this state shall pay over all sums of money by him received, by virtue of this act, to the treasurer of this commonwealth, within the time herein after limited, that is to say; the treasurer of the county of Philadelphia, within three days after he shall receive the same; the treasurer of the county of Bucks, within four days after he shall receive the same; the treasurer of the county of Chester, within four days after he shall receive the same; the treasurer of the county of Lancaster, within six days after he shall receive the same; the treasurer of the county of York, within seven days after he shall receive the same; and the treasurer of the county of Cumberland shall be allowed eight days; and the treasurer of the county of Berks, six days; and the treasurer of the county of Northampton, seven days; and the treasurer of the county of Bedford, twelve days; and the treasurer of the counties of Westmoreland and Washington, twenty days; and the treasurer of the county of Northumberland, twelve days for the like purpose.

**SECT. 23.** *And be it further enacted by the authority aforesaid,* That the commissioners of the several counties of this state shall cause their clerk to make out a fair transcript of the assessment of every tax layed upon the county, by virtue of this act; and having signed the same shall cause such transcript to be delivered to the treasurer of the commonwealth, within thirty days after the days of appeal.

**SECT. 24.** *And be it further enacted by the authority aforesaid,* That the commissioners of the city and several counties

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of the Common-  
wealth.*Collectors  
to pay the  
tax charged  
in their du-  
plicate  
within thir-  
ty days ex-  
cept, &c.The limit-  
ed times in  
which  
county  
treasurers  
are to make  
their pay-  
ments to  
the state  
treasurer.Commissi-  
oners to  
transmit co-  
pies of the  
assessments  
to the state  
treasurer.Pay of the  
commission-  
ers and as-  
sessors.

## HIS EXCELLENCE

1781.

*The fifth Year  
of the Commonwealth.**Allowance  
of collect-  
ors.**Taxes to be  
paid in gold  
or silver  
only,**except by  
persons  
who have  
taken the  
oath of al-  
legiance,  
&c.**Commissi-  
oners to be  
fined by  
council for  
neglect of  
duty, &c.**Act for rais-  
ing sup-  
plies for  
1779, con-  
tained.*

counties, shall each of them have and receive seven shillings and six pence per day; and each of the township, ward and district assessors and assistant assessors, shall have and receive five shillings per day, for each day they shall, *bona fide*, be employed in the performance of the several duties required of them by this act; and that the collectors severally employed in and for the due execution of this act, shall be allowed six pence in the pound, for every pound by them so collected, and no more.

SECT. 25. *And be it further enacted by the authority aforesaid,* That all sums of money to be assessed and levied by this act shall be paid and discharged in gold or silver money, at the rate of three pounds for one half johannes of Portugal, weighing nine penny weight, and seven shillings and six pence for one Spanish milled dollar, weighing seventeen penny weight and six grains, and so in proportion for all other gold or silver money, and in no other money whatsoever. *Provided always, nevertheless,* That all persons who have taken the oath or affirmation of allegiance to this state, within the time and in the manner prescribed by law, shall be, and hereby are authorised and permitted to pay one half of the sum assessed upon them respectively, in the paper bills of credit emitted in pursuance of an act passed on the seventh day of April, one thousand seven hundred and eighty one, but the other half shall be paid in gold or silver at the rates aforesaid.

SECT. 26. *And whereas* it is absolutely necessary, that this act be put in force, and executed with all convenient speed; therefore,

*Be it enacted by the authority aforesaid,* That if any of the said commissioners shall refuse or neglect to do his or their duty in the premises, he or they so offending, shall be fined by the supreme executive council of this state, in any sum not exceeding five hundred pounds, for every offence, which by virtue of their warrant directed to the sheriff or coroner of the county where such offender or his estate is, at the time of issuing such warrant, shall be levied by seizure of lands, distress and sale of goods, or imprisonment of body, as the case shall require.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the act for raising supplies for the year one thousand seven hundred and seventy nine, and every article, clause matter and thing therein contained, (except what is herein altered or supplied) shall be, and is hereby declared to be extended to this act, and shall continue in full force and virtue, till all and every sum and sums of money

money hereby imposed, shall be raised, levied, collected and paid.

*Signed by order of the house,*

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of the Common-  
wealth.

FREDERICK A. MUHLENBERG, SPEAKER.

Enacted into a law at Philadelphia, on Thursday, the  
21st day of June, A. D. 1781.  
SAMUEL STERETT, clerk of the general assembly.

## C H A P T E R CCX.

An ACT for the repeal of so much of the laws of this commonwealth as make the continental bills of credit and the bills emitted by the resolves or acts of the assemblies of the said commonwealth a legal tender, and for other purposes therein mentioned.

SECTION I. WHEREAS the honorable the continental congress, and the different legislatures of the united states of America, struggling in support of their inborn rights and invaded liberties, have been necessitated by reason of the scarcity of specie, to emit large sums of paper currency, by the rapid depreciation whereof, the said united states have laboured under great difficulties in procuring the necessary supplies for carrying on the present war: And whereas the quantity of specie being of late considerably increased within the said united states, the said congress have, in the most pressing manner, recommended to the different legislatures of the same states, to repeal all laws making the paper bills of credit of the united states a legal tender equal to gold and silver.

In compliance with the said recommendation, and for attaining the good ends and purposes thereby intended; Part of di-  
vers acts repealed.

SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That so much of all and every of the laws of this commonwealth, as declare the bills of credit emitted by the honorable the continental congress, or by the resolves of the assemblies of the late province of Pennsylvania, or by the present or late assembly or assemblies of this commonwealth, to be a legal tender, in discharge of debts, contracts or demands; and so much of the said laws as impose any penalty or forfeiture upon persons refusing to accept any of the said bills of credit, in satisfaction of any debts

## HIS EXCELLENCE

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of the Common-  
wealth.*

debts, contracts or demands; and so much of the said laws as impose any penalty or forfeiture upon persons refusing to receive the said bills of credit, in payment for any live stock, necessary of life, commodity, article or goods whatsoever, or upon persons offering such goods or articles for a less price or smaller sum of money to be paid in gold or silver or other current money, than in the bills of credit aforesaid, or upon persons giving or receiving a greater nominal sum of the said bills of credit for a less in gold or silver, shall be, and the same is and are hereby repealed and made void.

*Proviso, as  
to certain  
paper bills  
which are  
to be receiv-  
ed in pay-  
ment of  
lands,*

*except for  
feited es-  
tates.*

*No tender  
to be affect-  
ed, if duly  
made &c.*

*Debts &c.  
contracted  
since Janu-  
ary 1777,  
and not sat-  
isfied or  
discharged,  
shall be paid  
in the par-  
ticular mon-  
ey &c.  
mentioned  
in the con-  
tract, and  
may be sue-  
ed for &c.*

SECT. 3. *Provided always nevertheless,* That the foregoing clause shall not extend or be construed to extend to repeal, alter or make void any laws or sections or clauses of laws, whereby the paper bills of credit emitted in pursuance of an act passed on the twenty fifth day of March, one thousand seven hundred and eighty, and the paper bills of credit emitted in pursuance of the act passed on the seventh day of April, one thousand seven hundred and eighty one, are made receivable at the same rate as gold and silver in the payment of the arrearages of purchase money due for lands or lots sold or to be sold or conveyed by this state; forfeited estates only excepted.

SECT. 4. *Provided also,* That nothing in this act contained shall affect any tender made in due and legal manner, under and according to the directions of any of the said laws, or any suits, actions or judgments, which have been commenced or had, or which are now depending, or which hereafter may be brought, for or by reason of any tender made before the passing of this act.

SECT. 5. *And be it further enacted by the authority  
aforesaid,* That all debts, duties, rents, annuities, and other demands; granted or contracted for by any deed, will, mortgage, bond, speciality, bill of exchange, note, assump-  
tion or otherwise, since the first day of January, one thou-  
sand seven hundred and seventy seven, which were ex-  
pressed to be paid and discharged in any foreign money,  
or in gold and silver money of any denomination, or in  
bullion, or in any commodity, and which have not since  
been paid and satisfied or discharged, shall be deemed,  
construed and taken to be yet due and owing from debt-  
ors to creditors, in such money or other commodity, as  
in the said contracts were expressed, and the same may  
be sued for and recovered in any court of justice within  
this commonwealth, having competent jurisdiction, in  
so much gold or silver money, as shall be equal in value  
to

to the debt or duty, according to the terms of the contract.

SECT. 6. *And whereas* most of the debts contracted before the first day of January, one thousand seven hundred and seventy seven, are due and owing from persons, who from principles of honour and honesty, have declined paying their creditors with a depreciated paper currency, when by law they might have so done, and it would be unreasonable, that such debtors should be compelled to discharge their old debts in gold or silver money, until it shall become more plenty and easier to be acquired:

SECT. 7. *Be it therefore enacted*, by the authority aforesaid, That where any judgment already hath been or hereafter shall be entered in any court of record within this commonwealth, by default, upon the confession of the party, the report of referees, or the verdict of a jury, or otherwise, for any sum of money contracted for or due for rents, ground rents or annuities, before the first day of January, one thousand seven hundred and seventy seven, (debts due to the state excepted) the said court is hereby authorised, (if the same be not ascertained by the said confession, report or verdict) to ascertain how much of the said sum of money is due to the plaintiff for the principal sum due, and how much thereof is for interest, damages, costs and charges, and to give judgment for the whole sum, which judgment shall remain as a lien upon the real estate of the defendants, in the same manner as judgments at law bind such estate; and thereupon the said court shall award execution against the defendant, for so much of the said sum only, as the said interest, damages, costs and charges shall amount to, which money shall be levied, recovered and paid in gold and silver money; but no execution shall issue for the principal sum, until two years after the passing of this act, or until permission shall be given for that purpose, by an act of the assembly of this commonwealth; but the defendant shall nevertheless pay the interest of the said principal sum yearly, as it shall grow due, and in default thereof, the plaintiff shall be entitled to writs of execution, as often as there shall be occasion to recover the same.

SECT. 8. *Provided always nevertheless*, That if the defendants in any such cause shall not be, at the time of rendering the said judgment, seised of a sufficient real estate within this commonwealth, in his own right, to secure the said debt, and shall be about to depart from this state, without leaving such real estate, and shall refuse to give other security for the said principal sum, to the

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of the Common-  
wealth.

Rents &c.  
contracted  
before the  
1st of Janu-  
ary, 1777,  
may be su-  
ed for, and  
judgment  
obtained,  
and execu-  
tion awar-  
ded for in-  
terest da-  
mages, &c.  
but not for  
the prin-  
cipal for two  
years.

Interest to  
be paid  
yearly, &c.

A provis-  
iepecting  
defendants  
who have  
not suffi-  
cient real e-  
states, &c.  
against  
whom ex-  
ecution may  
be awarded

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of the Common-  
wealth.**for prin-  
cipal, inter-  
est, &c.*

satisfaction of the said court, then and in such case the said court are hereby authorised and required to award execution for the whole sum contained in the said judgment, as well principal as interest, damages, costs and charges; any thing herein contained to the contrary notwithstanding.

SECT. 9. And in order to prevent unnecessary suits, and to give debtors a reasonable time to prepare themselves for payment of their old debts, before any suit can be brought;

*Debts ex-  
ceeding 50l.  
contracted  
before the  
1st of Janu-  
ary, 1777,  
shall not be  
sued for in  
less than six  
months af-  
ter passing  
this act un-  
less, &c.*

*Be it enacted by the authority aforesaid,* That no suit shall be commenced against any person, (other than the subcontracted subjects of his Britannic majesty) for any debt or duty contracted for before the first day of January, one thousand seven hundred and seventy seven, under or by virtue of this act, where the sum demanded exceeds fifty pounds, less than six months from the passing of this act; unless the creditor shall have demanded from the person of the debtor, or by a note in writing left at the place of his abode, satisfaction of the said debt at least three months before bringing his suit, or unless the creditor or some person for him, shall swear or affirm, that he apprehends a danger of losing his debt by the delay.

*Debts on or  
before the  
1st of Janu-  
ary, 1776,  
barred by  
the act for  
limitation  
of actions,  
not to be  
revived;  
and debts  
not barred  
at that time  
shal lnot be  
for two  
years, &c.*

SECT. 10. *And be it further enacted by the authority aforesaid,* That nothing in this act contained, shall extend to revive any debts or demands which were on or before the first day of January, one thousand seven hundred and seventy six, barred by any act for the limitation of actions then in force; and that no debt or demand which was not barred by such act for the limitation of actions, on the said first day of January, one thousand seven hundred and seventy six, shall be barred by the said act, until two years after the passing of this act, and until such time as is limited by law, according to the nature of each case.

SECT. 11. *And whereas* divers persons as agents, factors, bailiffs and receivers, sheriffs, attorneyes at law, and in fact, executors, administrators, guardians, trustees and other persons, in right of their respective offices, trusts and appointments, may have received sums of money for the use of their principals and persons interested, some of whom may have applied such monies to their own use; others may have kept the same by them, until it depreciated to a much greater degree; and others may have placed the same out on interest, for the use and benefit of their principals; and it is fit and right that justice should take place in such varied cases, as nearly as may be ascertained.

SECT.

**SECT. 12.** *Be it therefore enacted by the authority aforesaid,* That where any agent, factor, bailiff, or receiver, sheriff, attorney at law, or in fact, executor, administrator, guardian, trustee or other person, has, in right of his office, trust or appointment, received any sum or sums of money for the use of his or their principals or persons interested, and have applied the same to their own private use, in such case he or they shall be accountable to his or their principals or persons interested as aforesaid, for so much gold and silver money as the said bills of credit, or other money so by them received, were worth at the time of such application, according to the rate of depreciation affixed, to the act, intituled, “*An Act directing the mode of adjusting and settling the payment of debts and contracts entered into and made between the first day of January, one thousand seven hundred and seventy seven, and the first day of March, one thousand seven hundred and eighty one, and for other purposes therein mentioned,*” passed the third day of April, one thousand seven hundred and eighty one. And where any such agent, factor, bailiff, receiver, sheriff, attorney at law, or in fact, executor, administrator, guardian, trustee or other person, having received any sum or sums of money as aforesaid, shall render an account on oath or affirmation, of the manner of his disposing of the same, and of the profit or loss arising thereupon, and the principal or other person interested as aforesaid shall not be able to disprove the same in case of loss, then and in such case such profit or loss shall go to the benefit or prejudice of the principals or persons interested as aforesaid, allowing a reasonable compensation to such agent, factor, bailiff, receiver, sheriff, attorney at law or in fact, executor, administrator, guardian, trustee or other person, for his trouble in managing the same; and if any such agent, factor, bailiff, receiver, sheriff, attorney at law or in fact, executor, administrator, guardian, trustee or other such person receiving as aforesaid, shall decline to make such oath or affirmation, and to render such account, it shall be presumed that he applied the laid monies to his own use, and he shall be accountable therefor in the manner herein before mentioned in such cases.

**SECT. 13.** *And whereas by an act of assembly of this commonwealth, passed the twenty seventh of November, one thousand seven hundred and seventy nine, intituled, “*An Act for the better support of certain officers of this state, and for ascertaining the specific fines and penalties which they may incur by a neglect of duty,*” the fees of*

1781.

*The fifth Year  
of the Common-  
wealth.**Agents, fac-  
tors, &c.  
receiving  
money and  
applying it  
to private  
use, &c.**Agents, &c.  
rendering  
account on  
oath,**Agents, &c.  
refusing to  
make such  
oath, &c.  
to account  
for money,  
as if appli-  
ed to pri-  
vate use.*

1781.

The fifth Year  
of the Commonwealth.

Fees of cer-  
tain offi-  
cers, and  
the fines  
incurred to  
be paid in  
gold, &c.

All fines,  
imposed by  
acts of as-  
sembly to  
be recover-  
ed in gold,  
&c.

Contracts  
since March  
1781, to be  
discharged  
according  
to their na-  
ture.

the said officers, and the fines and penalties which they might incur by a neglect of duty, were regulated by the price of wheat, which has been found inconvenient and uncertain.

SECT. 14. *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this act, all the fees due to the officers in the said act mentioned, and all the fines and penalties which they have or may incur by a neglect of duty, shall be paid, levied, collected and received by and from them in gold and silver money, as they were regulated by law or practice, under the late government of Pennsylvania, before the first day of July, one thousand seven hundred and seventy six; any thing in the said law to the contrary notwithstanding.

SECT. 15. *And whereas* by an act of assembly of this commonwealth, passed the eighth day of March, one thousand seven hundred and eighty, intituled, "An Act to restore and ascertain divers fines, penalties and forfeitures, hereafter mentioned, wh.ch may be incurred by the breach of certain acts of assembly of this commonwealth;" the said fines, penalties and forfeitures therein mentioned, were also regulated by the price of wheat, which mode has been found inconvenient, uncertain and inadequate; *Be it therefore enacted by the authority aforesaid,* That all fines, penalties and forfeitures of every kind, imposed by virtue of any acts of the assemblies of the late province of Pennsylvania, which are now in force, shall be levied, collected and recovered in so much gold and silver money, as in the said several acts is particularly inflicted and respectively specified, and all fines, penalties and forfeitures, imposed by any acts of the assembly of this commonwealth, since the revolution, shall be levied, collected and recovered, in so much gold and silver money as the sum specified in the respective acts for the said fines, penalties and forfeitures, were worth at the several times of passing the said acts, according to the rate of depreciation aforesaid.

SECT. 16. *Provided always, and be it further enacted by the authority aforesaid,* That all debts or contracts which have been entered into at any time from or since the first day of March, one thousand seven hundred and eighty one, or shall be entered into hereafter, shall be paid and discharged according to the special nature of the contract, that is to say, contracts made for gold and silver, shall be paid and discharged in the same; and contracts made for paper currency of any emision shall be payable in the same emision, excepting only that contracts entered

entered into as above, for old continental currency, (if any such there be) shall be liquidated and paid at specie value, which value shall be ascertained and determined by a justice of the peace, or the justices of the common pleas, as the case may be within their respective jurisdictions.

SECT. 17. *And be it further enacted by the authority aforesaid,* That nothing in this act shall be extended to prevent the receiving the bills of credit emitted in consequence of the resolution of congress of the eighteenth of March, one thousand seven hundred and eighty, in taxes to be laid in pursuance of an act of general assembly of this state, intitled, "A supplement to an act, intitled, "An Act for funding and redeeming the bills of credit of the united states of America, and for providing means to bring the present war to an happy conclusion," passed the nineteenth day of December, one thousand seven hundred and eighty.

1781.

*The fifth Year  
of the Commonwealth.*

New continental bills  
to be re-  
ceived for  
certain tax-  
es.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday, the*

*21st day of June A. D. 1781.*

*SAMUEL STERETT, clerk of the general assembly.*

## C H A P T E R CCXI.

*An ACT for recruiting the Pennsylvania line in the army  
of the united states.*

SECTION I. WHEREAS the frequent calling forth Preamble. of the militia of this state, is attended with great expence and loss of time; to prevent which in future as much as may be,

SECT. 2. *Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That there shall, with all convenient speed, be enlisted within this state, two thousand seven hundred able bodied men, to serve in the Pennsylvania line for the term of eighteen months, from the first day of July next, who shall be raised and procured by or at the expence of the inhabitants of the city of Philadelphia and the several counties of this state, in number and according to the proportion following, that is to say, by the city and coun-

*2700 men  
to be raised  
for 18  
months.*

ty

1781.

The fifth Year  
of the Common-  
wealth.

ty of Philadelphia, eight hundred and ninety five ; the county of Bucks, one hundred and seventy seven ; the county of Chester, two hundred and eighty four ; the county of Lancaster, three hundred and eighty four ; the county of York, two hundred and fourteen ; the county of Cumberland, two hundred and two ; the county of Berks, one hundred and ninety three ; the county of Northampton, one hundred and twelve ; the county of Bedford, sixty one ; the county of Northumberland, seventy five ; and the counties of Westmoreland and Washington, one hundred and three.

**SECT. 3.** *And be it enacted by the authority aforesaid,*  
That the commissioners of the city and several counties of this state, respectively, or any two of them, shall forthwith transmit to the several classes, classed by virtue of an act of the assembly of this state, intituled, "*An Act to compleat the quota of the federal army affigned to this state,*" passed the twenty third day of December, one thousand seven hundred and eighty, by persons to be by them appointed for that service, an order in writing under their hands, with a duplicate annexed, containing the names of each and every person composing such class, requiring each of the said classes to enlist for the term of eighteen months, as aforesaid, and deliver to the proper officer, one able bodied recruit, within fifteen days thereafter.

Commissioners or af-  
fessors im-  
powered to  
enlist for  
delinquent  
classes.

**SECT. 4.** *And be it enacted by the authority aforesaid,*  
That if any class or classes shall neglect or refuse to enlist one able bodied recruit as aforesaid, within the time limited and directed, or to make return thereof to the affessor of the proper township, ward or district, it shall and may be lawful for the said commissioners or township, ward or district affessors, or any of them, and they are hereby authorized and required to enlist for the term aforesaid, and deliver to the proper officer one able bodied recruit in behalf of such class or classes, respectively ; and that it shall and may be lawful for the said commissioners, township, ward or district affessors, or either of them, where such neglect or refusal shall happen, to proceed and levy, in the manner directed by the laws now in force for levying and collecting other public taxes, on the class or classes so neglecting or refusing, the sum agreed to be paid by the said commissioners, township, ward or district affessors, or any of them to the said recruit, and the reasonable expences accruing thereupon, in proper proportions, according to the last public tax levied therein, which they are hereby enjoined and directed to do within two days after such recruit shall be enlisted.

SECT.

**SECT. 5.** *And whereas* it may happen, that a number of the said classes may prove delinquent, and recruits may not be procured immediately to supply the deficiency.

**SECT. 6.** *Be it therefore enacted by the authority aforesaid,* That the commissioners of the several counties, respectively, shall provide and keep a book, into which they shall enter in numerical order the several delinquent classes, as they shall be returned to them, and shall enlist recruits for the said delinquent classes, according to their respective numbers, and in like manner levy and collect the sums imposed upon them respectively by this act.

**SECT. 7.** *And whereas* great injustice may be done, and unnecessary expences may be occasioned to delinquent classes by the commissioners and assessor giving high and extravagant sums of money for recruits in their behalf.

**SECT. 8.** *Be it therefore enacted by the authority aforesaid,* That each and every commissioner and assessor shall, before he enters on the duties required of him by this act, take the following oath or affirmation, viz. "I, A. B. do swear, (or solemnly, sincerely and truly declare and affirm) that in executing the duties required of me by the act, intitled, "An Act for recruiting the Pennsylvania line in the army of the united states," I will grieve no person or class (as therein mentioned) through hatred or ill will, but to the best of my judgment and abilities will procure recruits, or cause the same to be procured for delinquent classes, on the cheapest and best terms in my power.

**SECT. 9.** *And be it enacted by the authority aforesaid,* That any person, who in pursuance of this act shall enlist and deliver to the proper officer one able bodied recruit, shall be exempted from all militia duty for and during the time of such enlistment.

**SECT. 10.** *And be it enacted by the authority aforesaid,* That every recruit so enlisted and entered into the Pennsylvania line shall receive the same pay, cloathing and rations, as the troops of this state in the service of the united states; and also half pay during life, if disabled in the service.

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That where any class or person therein shall furnish such recruit in behalf of such class, and any dispute may arise about the sum or sums of money which any person or persons therein should or ought to pay towards the enlistment of such recruit, or shall neglect or

1781.

*The fifth Year  
of the Common-  
wealth.**Commissi-  
oners to  
keep a book  
in which to  
enter delin-  
quent clas-  
ses, &c.**Oath or af-  
firmation to  
be taken by  
the commis-  
sioners and  
assessors.**Persons en-  
listing re-  
cruits, to be  
exempted  
from mili-  
tia duty.**Pay of re-  
cruits.**How dis-  
putes, to be  
adjusted,  
&c.*

## HIS EXCELLENCE

1781.  
*The fifth Year  
of the Common-  
wealth.*

Council to  
appoint of-  
ficers to  
take re-  
cruits in  
charge.

Recruits to  
be attested  
before a  
justice of  
the peace,  
&c.

Monies paid  
by execu-  
tors, &c. to  
be allowed  
in their ac-  
counts.

Commissi-  
oners, &c.  
neglecting  
duty to be  
fined.

How to  
proceed in  
case of non  
residents,  
&c.

refuse to pay their proportion thereof, the same shall be adjusted, collected and paid in the manner directed in the foregoing clause, for the levying, collecting and paying the expences of enlistment, in cases where the classes have neglected or refused.

**SECT. 12.** *And be it enacted by the authority aforesaid,* That the supreme executive council and the commanding officer of the Pennsylvania line be, and they are hereby authorised and empowered to appoint officers of the said line in each county, for the purpose of inspecting and taking such recruits in charge that shall be enlisted in pursuance of this act.

**SECT. 13.** *And be it further enacted by the authority aforesaid,* That every recruit enlisted for any class, shall be attested before the next or some justice of the peace, if accepted by the proper officer, and shall by one of the said classes be delivered to the nearest officer appointed for that purpose, who, upon the receipt of such recruit and certificate from the said justice of the peace, of his having been attested as above, shall give a receipt in favour of such class for said recruit.

**SECT. 14.** *And be it further enacted by the authority aforesaid,* That all monies paid by executors, guardians or others, in legal trust, in right of another, in pursuance of this act, shall be allowed in their accounts, at the time of the settlement thereof.

**SECT. 15.** *And be it further enacted by the authority aforesaid,* That any county commissioner herein required to perform certain duties, and neglecting or refusing so to do, according to the true intent and meaning of this act, (except in case of sickness or removal) shall be fined by the supreme executive council of this state, in any sum not exceeding five hundred pounds in specie. And any assessor, collector, or other person, required in pursuance of this act to perform any duty, and neglecting or refusing to perform the same, (except as above excepted) shall be fined in any sum not exceeding fifty pounds specie, by the commissioners of the city or any of the counties of this state, or any two of them, where the offence may happen, who shall appoint another or others in their stead.

**SECT. 16.** *And whereas* it may happen that a part or the whole of the property in some of the said classes may not have any person in the occupation or possession thereof, or resident thereon to represent it.

**SECT. 17.** *Be it therefore enacted by the authority aforesaid,* That the collector of the township, ward or district, wherein such property may be found, shall give speedy

speedy information thereof to the commissioners of the county, who shall without delay publish or cause to be published in some of the newspapers printed in the city of Philadelphia, for three weeks successively, an account of all property so circumstanced in their said county, and of the sum or sums of money chargeable thereon, requiring the owner or owners to make payment thereof to the proper person, at or before the expiration of two months from the date of such publication; and on failure of such payment at the expiration of such term, the commissioners of the proper county, or any two of them, may, and they are hereby authorised, empowered and required to expose such property, or as much thereof as may be necessary to pay such sum or sums of money with reasonable costs, to sale at public auction, and after due and public notice given of such intended sale for at least ten days, to sell the same to the highest and best bidder; and the said commissioners, or any two of them, shall convey any houses, lands or tenements so sold, to the purchaser or purchasers thereof in fee simple, or for such estate as the delinquent owner thereof held the same, which shall be good and valid in law; and the said commissioners after deducting the sum or sums of money aforesaid, and the reasonable costs, shall return and pay the overplus of the consideration money, if any, to the owner or owners when thereunto required.

SECT. 18. *And be it further enacted by the authority aforesaid,* That all tenants in possession shall be accountable for and pay any sum or sums of money, charged by virtue of this act on the lands in his or her possession, and may discount the same out of his or her rent; and in case one year's rent should prove insufficient to defray the same, the said lands shall be liable for the sums charged thereon, and the same or such parts thereof as may be sufficient, may be sold therefor in the manner prescribed in the foregoing clause.

Money paid  
by tenants  
to be dis-  
counted out  
of rent, &c.

Persons ap-  
pointed to  
deliver or-  
ders, to be  
paid as the  
commission-  
ers direct.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the persons to be appointed by the commissioners of the city and several counties, to transmit and deliver to the several classes their order with the duplicate herein before mentioned, shall be paid such reasonable rewards respectively for that service, as shall be agreed for by the said commissioners.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the*

*25th day of June, A. D. 1781.*

SAMUEL STERETT, clerk of the general assembly.

CHAP.

1781.

The fifth Year  
of the Common-  
wealth.

1781.

The fifth Year  
of the Commonwealth.

*A supplement to an act, intituled, "An Act for establishing a land office, and for other purposes therein mentioned."*

Preamble.

SECTION 1. WHEREAS it appears necessary to explain certain parts of the act, intituled, "An Act for establishing a land office, and for other purposes therein mentioned," and to make some amendments thereto. Therefore,

The word  
location de-  
fined.

SECT. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the meaning of the word location, mentioned in the fifth section of the said act, was, is, and is hereby declared to be, an application made by any person or persons for land in the office of the secretary of the late land office of Pennsylvania, and entered in the books of the said office, numbered and sent to the surveyor general's office.

President,  
&c. to sign  
warrants of  
acceptance,  
resurvey,  
&c.

SECT. 3. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the president, or in his absence the vice president in council, to sign all and every warrant and warrants of acceptance, resurvey and partition, as fully as the governor of the late province of Pennsylvania, or commissioner of property, might or could have done.

Receiver  
general to  
pay money  
to the state  
treasurer  
once in e-  
very month  
&c.

SECT. 4. And be it further enacted by the authority aforesaid, That the receiver general shall once in every month pay, into the hands of the treasurer of this commonwealth, all monies which shall come to his hands by virtue of the said act to which this is a supplement, which shall be subject to the disposal of the legislature of this state, to whom he is to account once in every year.

Rate of ex-  
change at  
which the  
receiver ge-  
neral is to  
receive the  
£l. sterl.

SECT. 5. And be it further enacted by the authority aforesaid, That the rate of exchange at which the receiver general shall receive the five pounds sterling for every hundred acres of land, shall, and is hereby declared to be at the rate of one hundred and sixty six and two thirds of the currency of this state for one hundred pounds sterling.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
25th day of June, A. D. 1781.*

SAMUEL STERETT, clerk of the general assembly.

CHAP-

*An ACT for raising additional supplies for the year one thousand seven hundred and eighty one.*

The fifth Year  
of the Commonwealth.

SECTION I. WHEREAS it is become necessary that vigorous and effectual measures should be adopted to answer the present exigency of the public: And whereas it is the earnest desire of the representatives of the freemen of this commonwealth, to restore and support the credit of the paper money of this state, by all just means in their power.

SECT. 2. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the sum of eighty thousand pounds, in addition to the sums of money directed to be raised by the act, intitled, "A supplement to the act, intitled, "An Act for funding and redeeming the bills of credit of the united states of America, and for providing means to bring the present war to an happy conclusion," passed the nineteenth day of December, one thousand seven hundred and eighty ; and by the act, intitled, "An Act to raise effective supplies for the year one thousand seven hundred and eighty one," passed the twenty first day of June, one thousand seven hundred and eighty one, shall be raised, levied, collected and paid into the treasury of this state within the current year ; and shall be assessed and levied on the persons and estates of the inhabitants of the city and county of Philadelphia, and the several counties of this state, in the proportion and manner following, viz.

Additional sum of 80,000. to be raised within the current year.

The city and county of Philadelphia, the sum of twenty six thousand five hundred and four pounds three shillings. Proportion of the city and each county.

The county of Bucks, the sum of five thousand two hundred and forty two pounds, six shillings.

The county of Chester, the sum of eight thousand four hundred and fifteen pounds, seven shillings.

The county of Lancaster, the sum of eleven thousand three hundred and eighty eight pounds, five shillings.

The county of York, the sum of six thousand three hundred and forty five pounds, four shillings.

The county of Cumberland, the sum of five thousand nine hundred and sixty four pounds.

The county of Berks, the sum of five thousand seven hundred and twenty eight pounds, four shillings.

The county of Northampton, the sum of three thousand six M sand

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wealth.

sand two hundred and ninety seven pounds, ten shillings.

The county of Bedford, the sum of one thousand eight hundred and seven pounds, sixteen shillings.

The county of Northumberland, the sum of two thousand two hundred and thirty three pounds, three shillings. And

The counties of Westmoreland and Washington, the sum of three thousand and seventy four pounds, two shillings.

How the  
tax for rai-  
sing addi-  
tional sup-  
plies, shall  
be raised,  
&c.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That the tax for raising the said sum of eighty thousand pounds shall be grafted upon and added to the tax directed to be levied and collected within the current year by the said act, intituled, “*A supplement to an act, intituled, “An Act for funding and redeeming the bills of credit of the united states of America, and for providing means to bring the present war to an happy conclusion,” and shall be assessed, levied, collected and paid in the manner and within the time, and under the penalties and forfeitures therein expressed, contained and directed.*

Act of De-  
cember con-  
tinued till  
the present  
supplies are  
raised.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That the said act, intituled, “*A supplement to an act, intituled, “An Act for funding and redeeming the bills of credit of the united states of America, and for providing means to bring the present war to an happy conclusion,” and every clause matter and thing therein contained, shall be in force, and (so far as respects the levying, collecting and paying the said tax,) shall be extended and applied to the raising, levying, collecting and paying the additional sum and sums of money hereby directed to be levied and paid, as fully as if the said act was herein inserted; excepting only where the same is hereby altered, amended or supplied.*

Bills of cre-  
dit of cer-  
tain emissi-  
ons to be  
received in  
payment of  
taxes.

**SECT. 5.** *Provided always, and be it further enacted by the authority aforesaid,* That the paper bills of credit emitted in pursuance of an act, intituled, “*An Act for striking the sum of one hundred thousand pounds in bills of credit, for the present support of the army, and for establishing a fund for the certain redemption of the same, and for other purposes therein mentioned,*” passed the twenty fifth day of March, one thousand seven hundred and eighty; and the bills of credit emitted in pursuance of the resolutions of congress of the eighteenth of March, one thousand seven hundred and eighty; and the bills of credit emitted in pursuance of the act, intituled, “*An Act for emitting the sum of five hundred thousand pounds in bills of credit, for the*

"the support of the army, and for establishing a fund for the redemption thereof, and for other purposes therein mentioned;" passed the seventh day of April, one thousand seven hundred and eighty one, and gold and silver at their legal value, shall be received in payment of the said taxes, and no other money whatever.

SECT. 6. *And whereas* it is expedient, that all unnecessary expences be prevented in the levying and collecting the aforesaid taxes; therefore,

*Be it enacted by the authority aforesaid,* That the taxes hereby directed to be assessed, levied and collected, and the taxes to be assessed, levied and collected by virtue of the aforesaid act, intitled, "A supplement to an act, intitled, An Act for funding and redeeming the bills of credit of the united states of America, and for providing means to bring the present war to an happy conclusion," shall be assessed and levied on the returns of taxable persons and property made or to be made in pursuance of the directions of the act for raising effective supplies for the year one thousand seven hundred and eighty one, passed the twenty first day of June, one thousand seven hundred and eighty one, any thing in the aforesaid acts to the contrary notwithstanding.

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of the Common-  
wealth.  
Taxes to be  
assessed on  
the returns  
made or to  
be made  
for raising  
200,000.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
25th day of June, A. D. 1781.*  
SAMUEL STERETT, clerk of the general assembly.

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# L A W S

Enacted in the fourth sitting of the fifth general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, on *Tuesday*, the fourth day of *September*, A. D. 1781.

## C H A P T E R CCXIV.

*An ACT to incorporate the German Society, contributing for the relief of distressed Germans, in the state of Pennsylvania.*

**Preamble.** SECTION I. WHEREAS the arrival of Germans from Europe, and the numerous settlements made by them in Pennsylvania, have greatly contributed to the present wealth and strength of this state; and the means of encouraging these foreigners to come and settle among us, by removing or lessening their distresses in a new country, have, on sundry occasions, deservedly engaged the attention of the former government of this country.

SECT. 2. And whereas a number of German inhabitants of the city of Philadelphia, and its neighbourhood, by their humble petition to the general assembly of this state, have represented and shewn, that some time in the year of our Lord one thousand seven hundred and sixty four, some of the petitioners and divers other persons, all Germans by birth, or descending from Germans, who had settled in this state, moved by the sufferings of their countrymen then newly arrived, formed themselves into a charitable society, under the name of "The German Society of Philadelphia, in the province of Pennsylvania," and by voluntary subscriptions and stated contributions from time to time, supplied the poor, the sick, and otherwise distressed Germans, brought to the city of Philadelphia

and have aided and assisted such passengers as for want of acquaintance with the language and laws of the country, were in danger of being oppressed. Also, that some of the petitioners aforesaid have purchased two contiguous lots in the said city of Philadelphia, in order to build thereon, for the reception and accommodation of their countrymen, when need shall be. Also, that they have it in view to enlarge upon, and further to extend the benefit of their first institution, by applying part of the fund of money in their hands, and which hereafter they may raise for and towards other charitable purposes; such as to teach and improve poor children, both in the English and German languages, reading and writing thereof, and to procure for them such learning and education, as will best suit their genius and capacities, and enable the proper objects to receive the finishing of their studies in the university, established in the said city of Philadelphia: likewise to erect a library, and to do any other matter or thing which without any prejudice to other inhabitants of this state, in charity they might do for the relief and benefit of their own countrymen; wherefore they have humbly prayed, that they might be incorporated by a law for this purpose.

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of the Commonwealth.

SECT. 3. Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That Henry Keppele, president, Lewis Weiss, vice president, Lewis Farmer and Henry Leighthouser, secretaries, Christopher Ludwick, Peter Ozeas, Andrew Burckhart, John Fritz, Peter Kraft and Melchior Steiner, overseers, Michael Shubart, treasurer, Henry Kammerer, solicitor, and William Lehman, deacon; the present officers of the said German society, elected and chosen at the last meeting of the members of that society on the twenty sixth day of December last past, and their successors in the respective offices, and all persons who have subscribed and hereafter shall subscribe the rules and regulations of the said society, and have continued and shall from time to time continue to contribute towards the aforesaid charitable purposes of the said society, be, and they are hereby made and constituted, a corporation and body politic in law and in fact, to have continuance for ever by the name, style and title of *The German Society, contributing for the relief of distressed Germans in the state of Pennsylvania.*

Society is  
incorporated.

SECT. 4. And be it further enacted by the authority aforesaid, That the said corporation and their successors,

To hold e-  
states here-  
tofore

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of the Common-  
wealth.*granted to  
the society.

by the name, style and title aforesaid, shall forever hereafter be persons able and capable in law, as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed to the German Society, or to any person or persons for their use or in trust for them; and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments, are hereby vested and established in the said corporation and their successors for ever. And the said corporation and their successors are hereby declared to be seised and possessed of such estate or estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises or other conveyances thereof, is or are declared, limited and expressed; as also that the said corporation and their successors, at all times hereafter, shall be capable and able to purchase, have, receive, take, hold and enjoy in fee simple, or of any other lesser estate or estates, any lands, tenements, rents, annuities, liberties, franchises or other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise, of any person or persons, bodies politic and corporate, capable and able to make the same; and further, that the said corporation and their successors may take and receive any sum or sums of money, and any manner and portion of goods and chattels that shall be given and bequeathed to them by any person or persons, bodies corporate and politic, capable to make a gift or bequest thereof, such money, goods and chattels to be laid out by them in a purchase or purchases of lands, tenements, messuages, houses, rents, annuities or other hereditaments, to them and their successors forever, or the monies lent on interest, or otherwise disposed of according to the articles, and bye-laws of the said society, and the intention of the donors.

Quarterly  
meetings of  
said society.

SECT. 5. *And be it further enacted by the authority aforesaid,* That at every the four quarterly meetings of the said society, that is to say, on the twenty sixth day of December, on the twenty fifth day of March, on the twenty fourth day of June, and the twenty ninth day of September, in every year, or when either of those days shall happen to be on Sunday, then on the day following, each and every of the members of the said society, may propose any person or persons to be balloted for as a member of the said society or corporation, and such person or persons, so proposed and balloted for, upon being elected

New mem-  
bers may be  
elected,  
who are to  
sign the ar-  
ticles, &c.

elected by two thirds in number of the members present, by ballot as aforesaid, and signing the articles of said society, and paying the entrance money, shall from thenceforth become a member of the said corporation, and whilst he shall from time to time contribute towards the purposes aforesaid, shall remain a member of the said corporation, and not otherwise; making nevertheless proper and reasonable allowance of delay for his residence in the frontiers of this state, or his being engaged in the land or sea service of this state, or any of the united states, or a prisoner of war, or beyond sea on a fair trade. -

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of the Common-  
wealth.

SECT. 6. *Provided always, and be it enacted by the authority aforesaid,* That the members of the said society shall not, at any time hereafter, be less than seventy five in number, nor more than three hundred.

Proviso for  
limiting the  
number.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said corporation and their successors, or the majority of such as shall be convened at any of the four quarterly meetings of the said society, shall be authorised and empowered, and they are hereby authorised and empowered to make rules, bye-laws and ordinances, and to do every thing needful for the good government and support of the affairs of the said corporation. *Provided always,* That the said bye-laws, rules and ordinances, or any of them, be not repugnant to the laws of this commonwealth, and that all their proceedings be fairly and regularly entered in a book to be kept for that purpose ; which book, and all papers and other documents of the said society shall, at all times, be liable to the inspection of the president and vice president of the supreme executive council, the speaker of the general assembly, and chief justice of the state, for the time being ; and that at the general meeting of the members of the said society or corporation, on the days aforesaid, they the said members, or a majority of such as shall be present, be authorised and empowered to elect and chuse by ballot, one president, one vice president, six overseers, a treasurer, two secretaries, one solicitor, and one deacon ; the said officers to be inhabitants of the said city of Philadelphia, and to remain in office until the next meeting of the said corporation, on the twenty sixth day of December then next following ; and in case of death, removal or refusal to serve of any one or more of the officers so chosen, his or their place, so dying, removing, or being removed, or refusing, shall be supplied by an election in like manner, at the next quarterly meeting ; and the person or persons so chosen, shall remain in his said office,

Corporati-  
on to make  
rules, &c.

Provided  
they be not  
repugnant  
to the laws  
of the state  
and are en-  
tered in a  
book liable  
to the in-  
spection of  
the presi-  
dent, &c.

Members to  
elect offi-  
cers annu-  
ally, &c.

by

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of the Common-  
wealth.How the  
profits of  
estate are to  
be applied.

by virtue of the said election, until the next December meeting aforesaid.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That the rents, interest and profits arising from the said real and personal estate of the said corporation, shall, by the officers of the said corporation, and their successors, chosen and appointed in such manner and form as herein before is directed and required, from time to time, be applied for the relief and support of poor distressed Germans arriving in this state from parts beyond sea; for the erecting or supporting schools and seminaries of learning, and one or more library or libraries within this state; for the better educating and instructing the children and youth of the Germans, and descendants of Germans; and in building, repairing and maintaining schoolhouses, and other houses necessary for the purposes aforesaid; for salaries to schoolmasters and teachers; and for such other charitable uses as are conformable to the true design and intent of the same society.

Proviso, re-  
gulating  
the disposal  
of money,  
&c.

**SECT. 9.** *Provided always, and be it enacted by the authority aforesaid,* That in the disposal and application of the public monies of the said corporation, the aforesaid president, vice president, overseers, secretaries, treasurer, solicitor and deacon, and their successors in office, or any seven of them, the said officers, may make orders and directions for the relief of poor and distressed persons, and supporting scholars, schoolmasters and others, coming under their notice; and that upon emergent occasions, when immediate relief is wanted, an order signed by one of the presidents, and two of the overseers, directed to the treasurer, shall be a sufficient authority for the said treasurer to discharge and pay such order. *Provided also,* That neither of the said officers shall at any time during the execution of his office, or afterwards, be intitled to demand, sue for, or recover any pay, reward or commission for his service, in any of the said offices respectively.

Corporati-  
on may  
have a seal,  
and alter it  
at pleasure,  
&c.

**SECT. 10.** *And be it further enacted by the authority aforesaid,* That the said corporation and their successors shall have full power and authority to make, have and use one common seal, with such device and inscription as they shall think proper, and the same to break, alter and renew at their pleasure.

May sue  
and be su-  
ed, &c.

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That the said corporation and their successors, by the name stile and title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in

in any court or courts, before any judge or judges, justice or justices, in all and all manner of suits, complaints, pleas, causes, matters and demands of whatever kind, nature and form they may be, and all and every matter or thing therein to do, in as full and effectual a manner, as any other person or persons, bodies politic and corporate within this commonwealth may or can do.

SECT. 12. *Provided always, and be it further enacted by the authority aforesaid,* That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities, or other hereditaments and real estate of the said corporation and interest of money lent, shall not exceed the sum of two thousand and five hundred pounds, lawful money of Pennsylvania, to be taken and esteemed exclusive of the monies arising from annual or other stated subscriptions or payments, which said monies shall be received by the treasurer of the said corporation, and disposed of by him, upon the order of the other officers, or a majority of them, in the manner herein before described, pursuant to a vote or votes of the members of the said society, appropriating the same at one of their quarterly meetings.

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wealth.

Proviso, for  
limiting the  
yearly va-  
lue of real  
estates and  
interest of  
money, ex-  
clusive of  
stated sub-  
scriptions,  
&c.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Thursday the  
20th day of September, A. D. 1781.*  
SAMUEL STERETT, clerk of the general assembly.

## CHAPTER CCXV.

*An ACT to make more effectual provision for the defence of  
this state.*

Passed September 28th, 1781. Recorded in Law Book, Vol. I. Page , &c.  
Expired.

## CHAPTER CCXVI.

*An ACT to alter, and supply an act, intitled, "An Act for  
recruiting the Pennsylvania line in the army of the  
united states.*

SECTION 1. WHEREAS a number of the classes Preamble.  
have not procured recruits according  
6 O to

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of the Common-  
wealth.

Commission-  
ers to le-  
vy 20  
pounds on  
delinquent  
classes to be  
paid into  
the treas-  
ury.

Soldiers en-  
listed for  
18 months.

Council au-  
thorised to  
take mea-  
sures to re-  
cruit Penn-  
sylvania  
line.

Act to re-  
cruit the  
line to be in  
force, ex-  
cept where  
altered by  
this act.

to the directions of the act, intitled, "*An Act for recruit-  
ing the Pennsylvania line in the army of the united states,*" which this act is intended to alter and supply, passed on the twenty fifth day of June, one thousand seven hundred and eighty one.

**SECT. 2.** *And whereas it is absolutely necessary that money be procured from the delinquent classes, and that the recruiting of the said line be carried on to effect in the most expeditious manner. Therefore,*

**SECT. 3.** *Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the commissioners of the several counties within this state proceed without delay, to levy the sum of twenty pounds specie on each of the delinquent classes within the city and the several counties, and cause the same to be collected and paid into the treasury of each county, in the manner and under the pains and penalties directed in and by the act, intitled, "*An Act to raise effective supplies for the year one thousand seven hundred and eighty one.*"*

**SECT. 4.** *And be it further enacted by the authority aforesaid, That all monies brought into the treasury of each county, in pursuance of this act, shall be paid into the hands of the treasurer of the state, by the treasurers of the several counties, and remain there subject to the orders of the supreme executive council of this state, for the sole purpose of recruiting the Pennsylvania line in the army of the united states.*

**SECT. 5.** *And be it further enacted by the authority aforesaid, That all recruits who may or shall be enlisted, in pursuance of this act, shall be enlisted for a term not less than eighteen months from the date of their respective enlistments.*

**SECT. 6.** *And be it further enacted by the authority aforesaid, That the supreme executive council of this state be, and hereby is authorised and impowered to take such measures as to them may seem most expedient and effectual for enlisting the recruits necessary to compleat the line of this state, as directed by this act, and the act which this act is intended to alter and supply.*

**SECT. 7.** *And be it further enacted by the authority aforesaid, That the act, intitled, "*An Act for recruiting the Pennsylvania line in the army of the united states,*" passed the twenty fifth day of June, one thousand seven hundred and eighty one, and which this act is intended to alter and supply, and every clause, matter and thing contained*

contained therein, except what is herein altered or supplied, shall be and continue in force and effect.

SECT. 8. *And whereas* it is absolutely necessary, that some method be speedily taken, more effectually to prevent desertion; Therefore,

SECT. 9. *Be it enacted by the authority aforesaid,* That any person, who shall according to an act to discourage desertion, passed the twentieth day of February, one thousand seven hundred and seventy seven, apprehend and deliver to the sheriff or jailor of the county, a deserter from the line of this state, shall be exempted from his two next succeeding tours of militia duty, on producing the certificate of the sheriff or jailor of the county, of his having delivered such deserter into his custody, to the lieutenant of the county, or such other officer or officers, whose duty it may be to superintend the appeals held on the calls of the militia, when it would have been otherwise the turn of such person to have served.

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of the Common-  
wealth.

Persons ap-  
prehending  
and secu-  
ring defer-  
ters, to be  
excused  
from two  
tours of mi-  
litia duty.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the  
29th day of September, A. D. 1781.*  
SAMUEL STERETT, clerk of the general assembly.

## CHAPTER CCXVII.

*An ACT to vest the title of a messuage and lot of ground  
in the town of Lisburn, in John Rankin, esquire.*

SECTION I. WHEREAS John Rankin, esquire, of Preamble. **W** York county, hath presented a petition to this house, setting forth, that a house and lot, in the town of Lisburn, in the county of Cumberland, was heretofore taken in execution as the estate of a certain Richard Carson, and in due form of law struck off and sold to James Rankin, and the consideration money by him paid to the sheriff; that the said Richard Carson held the possession of the said messuage and lot of ground with the consent of the said James Rankin, and afterwards paid and satisfied him for the money by him advanced to the sheriff; that the petitioner, with the knowledge and at the request of the said James Rankin, contracted verbally with the said Richard Carson for the premises, and afterwards

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of the Commonwealth.*

afterwards paid him the full price agreed upon, and obtained possession of the said premises; that soon after the petitioner, together with the said James Rankin, went to Carlisle, and employed a conveyancer to procure a sheriff's deed for the premises to the said John Rankin; that afterwards the said James Rankin joined the enemy at Philadelphia, and was thereupon attainted of high treason; previous to which the conveyancer aforesaid had procured a sheriff's deed for the premises, in the name of James Rankin, duly acknowledged in court and recorded; and thereupon prayed the house would permit him to bring in a bill to vest the title of the premises in the petitioner:

Title vested.  
ed.

SECT. 2. *Be it therefore enacted, and it is hereby enacted,*  
*by the representatives of the freemen of the commonwealth of*  
*Pennsylvania, in general assembly met, and by the authority*  
*of the same,* That the lot of ground aforesaid, with the buildings and appurtenances, situated, lying and being in the town of Lisburn in the county of Cumberland, containing in front on a street in the general plan of the said town, called Main Street, one hundred and thirteen feet, and in depth on the westward side, three hundred and seventy five feet, to Yellow Breeches Creek; and in depth on the eastward side, two hundred and forty feet, be, and the same is hereby vested in the said John Rankin, his heirs and assigns, to be held by him, the said John Rankin, his heirs and assigns for ever, subject to the same rents and conditions, that the said Richard Carson formerly held the same: any law, custom or usage to the contrary thereof in any wise notwithstanding.

Subject to  
rents, &c.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Saturday, the  
29th day of September, A. D. 1781.*  
SAMUEL STERETT, clerk of the general assembly.

### C H A P T E R CCXVIII.

*An ACT to give relief to certain persons taking refuge in  
this state, with respect to their slaves.*

Preamble. SECTION 1. WHEREAS many virtuous citizens of America, and inhabitants of states that

that have been invaded, are obliged by the power of the enemy, to take refuge in this state. And whereas it is just and necessary that the property of such persons should be protected.

**SECT. 2.** Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all and every person and persons, under the above description, now residing in this state, or who hereafter may be in like circumstances, shall retain, possess and hold their slaves; any thing in the act for the gradual abolition of slavery, passed the first day of March, one thousand seven hundred and eighty, to the contrary notwithstanding.

**SECT. 3.** Provided always, That the owner or owners of such slaves, his or their lawful attorney, shall, in six months from the passing of this act, or in six months after their arrival in this state, as the case may be, register said slaves in manner and form directed in the fifth section of the act above mentioned, for the gradual abolition of slavery. And be it further provided, That such slaves shall not be aliened or sold to any inhabitant, nor retained in this state as slaves, longer than six months after the conclusion of the present war with Great Britain.

**SECT. 4.** And be it also provided and declared, That nothing herein contained, shall be deemed, construed, or taken to enslave any person or persons, who have been emancipated or freed under or by virtue of the act aforesaid.

Signed by order of the house,

FREDERICK A. MUHLENBERG, SPEAKER.

Enacted into a law at Philadelphia, on Monday, the

1<sup>st</sup> day of October, A. D. 1781.

SAMUEL STRETT, clerk of the general assembly.

1781.

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of the Common-  
wealth.

Persons tak-  
ing refuge,  
may retain  
their slaves,  
&c.

Provided  
they are re-  
gistered  
within 6  
months.

And not  
sold or re-  
tained in  
the state  
longer than  
six months  
after the  
war.  
Proviso.

## CHAPTER CCXIX.

An ACT to dissolve the marriage of Jacob Billmeyer, with his wife Mary Billmeyer, late Mary Eichelberger.

Passed October 1<sup>st</sup>, 1781. Recorded in Law Book, Vol. I. Page &c.  
A private act.

## CHAPTER CCXX.

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 of the Common-  
 wealth.

*A supplement to the act, intitled, " An Act to amend the act, intitled, " An Act for the more effectual supply and honourable reward of the Pennsylvania troops, in the service of the united states of America ; and the act, intitled, " An Act to settle and adjust the accounts of the troops of this state, in the service of the united states, and for other purposes therein mentioned."*

Preamble. SECTION 1. WHEREAS the united states in congress assembled, by their act of the thirteenth day of June, in the year of our Lord one thousand seven hundred and eighty one, resolved and recommended to the several states in the words following, that is to say ; " That it be and hereby is recommended to the several states to which the officers of the hospital and medical department now in service respectively belong, or of which they are or were inhabitants, to settle the accounts of the said officers, for depreciation, on the principles established by the resolution of congress of the tenth day of April, one thousand seven hundred and eighty, and to make provision for paying the balances that may be found due, in the same manner with other officers of the line." Therefore, in compliance with the act of congress aforesaid,

Certain officers of the hospital department entitled to the benefits of the acts to which this is a supplement.

SECT. 2. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the officers of the hospital and medical department, now in the service of the united states, and who are citizens of this state, shall be, and they are hereby entitled to all the emoluments and benefits, to all intents and purposes, which the military commissioned officers, chaplains and regimental surgeons of the Pennsylvania line are entitled to, under the act, intitled, " An Act to settle and adjust the accounts of the troops of this state, in the service of the united states, and for other purposes therein mentioned," passed the eighteenth day of December, one thousand seven hundred and eighty ; and the act, intitled, " An Act to amend the act, intitled, " An Act for the more effectual supply and honorable reward of the Pennsylvania troops, in the service of the united states of America," passed the tenth day of April, one thousand seven hundred and eighty one, and shall be entitled to half pay during life, they, the said officers of the hospital and medical department, now in the service of the united

Such officers continuing in service.

united states, and who are or were inhabitants, of this state, continuing in service during the present war with Great Britain.

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of the Common-  
wealth.*

Proviso.

SECT. 3. *Provided always,* That every such officer of the hospital and medical department shall be liable to be called into actual service by the supreme executive council of this state, at any time thereafter; and if any of the aforesaid officers on half pay shall neglect or refuse to go and continue in said service, when called to it as aforesaid, such half pay shall, from the time of such neglect or refusal, cease and determine; any thing to the contrary in any law of this state notwithstanding.

SECT. 4. *And whereas* it may be difficult for the auditors appointed or to be appointed by the supreme executive council, to ascertain the rights of the officers of the hospital and medical department, who shall claim the benefits and emoluments granted by this act. Therefore,

SECT. 5. *Be it enacted by the authority aforesaid,* That the supreme executive council of this state shall, and they are hereby authorised and empowered to hear and determine upon the respective claims of every person who may apply for the benefits and emoluments granted by this act, and to dismiss every such claim, or issue an order, (as the case may require,) directing the auditors to settle and adjust the account or accounts of the said officer or officers without delay; and thereupon, and not otherwise, the said auditors shall proceed in the same manner as is directed respecting the military commissioned officers, chaplains and regimental surgeons of the Pennsylvania line, by the acts to which this is a supplement.

Council to  
hear claims,  
and deter-  
mine there-  
on;

and direct  
auditors to  
settle ac-  
counts, &c.

SECT. 6. *And whereas* some doubts have arisen, whether officers and soldiers who have fallen in battle, or were taken by the enemy, and were exchanged, or died in captivity before the passing of the act, intitled, "An Act to settle and adjust the accounts of the troops of this state, in the service of the united states, and for other purposes therein mentioned," or their widows or children were entitled to the benefits of the said act. For remedy whereof,

SECT. 7. *Be it therefore enacted by the authority aforesaid,* That all officers and privates of this state, whether of the state regiments, flying camp or militia, made prisoners in the actual service of this or any of the united states, whensoever exchanged, or their legal representatives, shall be, and hereby are entitled to receive the full depreciation of their pay, to the time of such exchange: And the auditors appointed, or who hereafter may be appointed

Officers and  
privates of  
state regi-  
ments, &c.  
made pri-  
soners, en-  
titled to de-  
preciation.

## HIS EXCELLENCY

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 of the Common-  
 wealth.

Widows  
 and chil-  
 dren of the  
 officers of  
 said regi-  
 ments, &c.  
 to have half  
 pay, &c.

appointed by the supreme executive council to settle the depreciation accounts, are hereby authorised and required to proceed and settle their accounts in the manner directed for the adjusting and settling the accounts of the troops of this state, now in service.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the widows and children of the officers of the said regiments, known by the name of the state regiments of this state, or of the flying camp of this state, who have fallen in battle, or died in captivity, shall be, and are hereby intitled to receive the half pay of such officers from and since the time of their death, for and during the time, in the manner and under the restrictions mentioned in the fourth, fifth, seventeenth and eighteenth sections of the act, intitled, "*An Act for the more effectual supply and honorable reward of the Pennsylvania troops in the army of the united States of America,*" passed the first day of March, one thousand seven hundred and eighty: And all arrearages of pay due to said officers, and depreciation on their pay accounts to be adjusted and settled as directed in the foregoing clause.

*Signed by order of the house,*

FREDERICK A. MUHLENBERG, SPEAKER.

*Enacted into a law at Philadelphia, on Monday, the  
 1st day of October, A. D. 1781.*

SAMUEL STERETT, clerk of the general assembly.



## A N

## A P P E N D I X,

Containing the LAWS now in FORCE,  
passed between the 30th Day of Sep-  
tember 1775, and the REVOLUTION.

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## C A P. I.

*An ACT for the relief of Richard Taylor, Jacob Muck,  
George Jacob Hausmun, Richard Ray, and Francis  
Owens, languishing prisoners in the goal of Philadelphia  
county, and James Mackay, a languishing prisoner in the  
goal of Northumberland county, with respect to the im-  
prisonment of their persons.*

Passed, November 23, 1775. Recorded in Law Book A, Vol. 6, Page 76, &c.  
Private Act.

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## C A P. II.

*An ACT to increase the number of representatives in as-  
semb'y for the city of Philadelphia, and in the several  
counties, therein named.*

Passed, March 23, 1776. Recorded in Law Book A, Vol. 6. Page 78, &c.  
Obsolete.

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## C A P. III.

*An ACT to enable the keepers of records in the counties of  
Philadelphia and Chester to remove them to more safe and  
convenient Places.*

Passed, March 23, 1776. Recorded in Law Book A, Vol. 6, Page 77, &c.  
Expired.

## C A P. IV.

*An ACT to continue part of an act, made in the eleventh year of the reign of his present majesty king George the Third, intituled, " An Act for regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia, and for other purposes therein mentioned," and for making further provision for the better executing the said act.*

Preamble.

**W**HEREAS an act made in the eleventh year of the reign of his present majesty king George the Third, intituled, " An Act for regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia, and for other purposes therein mentioned," will soon expire by its own limitation: And whereas the continuance of the said act, with some alterations and amendments, will tend to the advantage and security of the inhabitants of the said city;

Act of the  
eleventh  
George III.  
made per-  
petual.

*Be it therefore enacted by the honourable John Penn, esq. governor and commander in chief of the province of Pennsylvania, by and with the advice and consent of the representatives of the freemen of the said province in general assembly met, and by the authority of the same,* That the said act, and every clause, matter and thing therein contained, (except only where the same is hereby altered and varied) be, and is hereby declared to be in full force, and made perpetual.

Former al-  
lowance of  
7/6 to per-  
sons who  
keep  
pumps in  
their own  
yards dis-  
continued.

**I.** And for the remedying such defects and inconveniences as have appeared in the execution of the said act, *Be it enacted by the authority aforesaid,* That so much of the said act as relates to an allowance of seven shillings and six pence per annum, to such persons as keep pumps in their respective yards, be discontinued, and from and after the publication hereof do cease and determine. And if it shall happen that any such pump shall be used on any public occasion of fire or otherwise, and any damage or injury shall be sustained by the owner thereof in his fences, buildings or yards, or such pump shall be damaged thereby, it shall and may be lawful for the said wardens, and they are hereby required to repair the same, or compensate the owner or occupier thereof for such damage, out of the money raised by virtue of this act. And also, that so much of the said act as limits the rate of assessment made by virtue of the said act, so as that it shall not exceed the value of five pence in the pound for any one year, do in like manner cease and determine, and that it shall and may

Affessors  
may en-  
large the  
rate, if ne-  
cessary.

be lawful for the said assessors, from and after the first day of

of October next, to increase and enlarge the said rate, if necessary, so as the same shall not in any one year exceed the value of six pence in the pound.

**III.** *And whereas difficulties and inconveniences have arisen from the inaccuracy and irregularity of the returns made by the several constables, in order to lay the assessment directed by the said act, and it is also represented that the time allowed for such service is too short; for remedying whereof, Be it enacted by the authority aforesaid, That from and after the first day of October next, such returns of the certificates of the taxables in the respective wards of the said city shall be made by one intelligent freeholder, to be chosen for that purpose out of each ward of the said city, at the same time, in the same manner, and by the same persons, as the inspectors for holding annual elections now are; whose names, when so chosen, shall be returned in writing to the wardens, under the hands of the constables and two or more of the electors, on or before the first day of October next following, by the constable of the said ward, which said freeholders are hereby required and enjoined under the like qualifications, to be administered by any of the aforesaid wardens, as by the said act were directed to be administered to the constables in such case, to do and perform the several duties, acts, matters and things, as by the said act the several constables of the city were heretofore required and directed to do, so far as the same relates to making true and fair certificates of the taxables in their respective wards; which said freeholders shall be intitled to receive from the treasurer of the said wardens four shillings and six pence per day, for their care and trouble in executing and performing the said service.*

**IV.** *And be it further enacted by the authority aforesaid, That if any of the said freeholders so chosen and appointed for the above purposes, shall refuse or neglect to take upon him or themselves the said office, or to do and perform the services and duties hereby required of him or them, he or they so refusing or neglecting shall pay to the said treasurer the sum of five pounds, to be recovered in the same manner, and applied to the same uses as the other penalties and fines, in and by the said act imposed, limited and directed.*

**V.** *Be it also enacted by the authority aforesaid, That if at any time hereafter there shall be any neglect or omission in choosing the said freeholders, or any of them, or if, being so chosen, they, or any of them, shall neglect or refuse to take upon him or themselves the said office, or to do and perform the service to be by them done and performed*

An intelligent freeholder to be chosen out of each ward, to make return of the taxables, &c.

Penalty on freeholders refusing to serve.

In case of omission in choosing freeholders wardens may appoint suitable persons, &c.

## A P P E N D I X.

performed by virtue of this act, that then, and in every such case, the said wardens may and shall, until a succeeding election, appoint suitable and proper persons, as the occasion may require, to perform the said service; which persons, when appointed, shall have the same powers, be under the same restrictions, and subject to the same penalties, as if such person or persons had been regularly chosen and elected as aforesaid.

Certificates  
to be re-  
turned in  
ten days.

VI. *Be it also enacted by the authority aforesaid,* That the time for making and returning the certificates of the taxables by the said act directed be extended to the term of ten days next after the date of the precept issued by the wardens for that purpose.

Wardens,  
&c. remov-  
ing out of  
the pro-  
vince, &c.  
how their  
places are  
to be sup-  
plied.

VII. *And whereas* there is no provision made by said act, in case of any of the said wardens, assessors or freeholders should remove from this city, and thereby become incapable to perform the several duties of their respective offices; for remedy whereof, *Be it enacted by the authority aforesaid,* That if any of the said wardens, assessors or freeholders, shall happen to remove, during the time for which they are so chosen or appointed, out of this province, or to a greater distance from the city of Philadelphia than three miles, the wardens and assessors for the time being, or a majority of them, shall in every such case appoint one or more fit person or persons, in the place and stead of such warden or wardens, assessor or assessors, freeholder or freeholders, so removing as aforesaid, in the same manner as if such warden, assessor, or freeholder was deceased, or had refused to execute the said office.

*Passed, April 6, 1776.*

## C A P. V.

*An ACT to continue an act, intituled, "An Act to regulate the fishery in the river Schuylkill," and to make further provisions therein.*

Preamble.

WHEREAS the act, intituled, "*An act to regulate the fishery in the river Schuylkill,*" passed in the eleventh year of his present majesty's reign, is near expiring by its own limitation: *And whereas* the said act has been found by experience to be of public utility;

*Be it therefore enacted by the honourable John Penn, esq. governor and commander in chief of the province of Pennsylvania*

*Pennsylvania, by and with the consent and advice of the representatives of the freemen of the said province, in general assembly met, and by the authority of the same, That the said recited act of general assembly be, and the same, and every article, clause and thing therein contained, are hereby declared to be continued in full force, from the publication hereof, for the term of seven years, and from thence to the end of the next sitting of assembly, and no longer.*

Act of the  
eleventh of  
George III.  
cap. 4, con-  
tinued for  
seven years.

*II. Be it further enacted by the authority aforesaid, That if any person or persons shall cast, draw or make use of any net, seine, or other device for catching of shad in the river Schuylkill, after the twentieth day of May in each year during the continuance of this act, such person, being thereof legally convicted, shall forfeit and pay the sum of five pounds for every such offence, to be recovered and applied in the same manner, and to the same uses as the other penalties, in and by the said recited act imposed, are limited and directed.*

Penalty on  
persons  
making use  
of any de-  
vice for  
catching  
shad after  
the 20th of  
May.

*Passed, April 6, 1776.*

### C A P. VI.

*An ACT to make perpetual an act, passed in the eleventh year of the reign of his present majesty king George the Third, intituled, "An Act for the relief of the poor."*

**W**HEREAS an act, passed in the eleventh year of the reign of his present majesty king George the third, intituled, "An Act for the relief of the poor," will soon expire by its own limitation: And whereas the continuance of the said act will tend to the benefit of the inhabitants of this province;

*Be it therefore enacted by the honourable John Penn, esq. governor and commander in chief of the province of Pennsylvania, by and with the consent and advice of the representatives of the freemen of the said province, in general assembly met, and by the authority of the same, That the said act, and every clause, matter, and thing therein contained, the clause of limitation in the said act only excepted, shall be and is hereby continued in full force, and made perpetual, any thing in the said act to the contrary notwithstanding.*

Act for the  
relief of  
the poor  
made per-  
petual.

*Passed, April 6, 1776.*

## C A P. VII.

*An ACT for the relief of William Judd, John Onions, Michael Jordan, and William Sanders, prisoners for debt in the goal of Philadelphia county, with respect to the imprisonment of their persons.*

Passed, April 6th, 1776. Recorded in Law Book A, Vol. 6, Page 86, &c.  
Private Act.

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## C A P. VIII.

*An ACT for confirming the estate of Andrew Hershey, in and to certain lands in the township of Donegal, in the county of Lancaster.*

Passed, April 6th, 1776. Recorded in Law Book A, Vol. 6, Page 88, &c.  
Private Act.

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## C A P. IX.

*An ACT to suspend the carrying into execution the orders of the governor and council for opening a certain road in this province.*

Preamble.

WHEREAS, in pursuance of an order of the governor and council of this province, a certain provincial road or highway has been laid out and confirmed by the authority aforesaid, leading from the middle or corporation ferry on Schuylkill to the village of Strasburgh, in the county of Lancaster. And whereas the assembly, at their sitting in March, one thousand seven hundred and seventy five, were about to provide for the strengthening and amending the public roads to the westward, but have not been able as yet to carry the same into execution. And whereas it may be very inconvenient and injurious to open the aforesaid road or highway, before the examining and ascertaining the most proper places for laying out one principal road to the westward through the counties of Philadelphia, Chester, and Lancaster: For preventing of which inconveniences,

Be it enacted by the honourable John Penn, esq. governor and commander in chief of the province of Pennsylvania, by and with the consent and advice of the representatives of the freemen of the said province, in general assembly met, and by the authority of the same, That such parts of the said

Such parts  
of the road  
as were not  
opened be-  
fore the  
first of  
March to  
remain un-  
opened for  
two years.

All process  
in law on  
account of  
said road to  
suspended-

said road, from the middle ferry aforesaid to the sign of the Ship on Conestogoe road, as were not opened under the said order of the governor and council before the first day of March, in the year of our Lord one thousand seven hundred and seventy six, shall not be opened for the space of two years from and after the publication of this act, and that, during the time aforesaid, no new process shall issue from any justice of the peace, or any presentment or indictment be made or found by any grand jury against any supervisor or other person, for any breach or neglect of his duty in not opening any part of the said road before the said first day of March. And also, that all process in law whatsoever against any person or persons, had and moved for or on account of said road, so far as it extends through the counties of Philadelphia and Chester, from the middle ferry to the sign of the Ship on the Conestogoe road, shall be suspended for and during the term aforesaid, any thing in the order of the governor and council, or the act of assembly, intituled, "*An Act for the opening and better amending and keeping in repair the public roads and high ways within this province,*" to the contrary in any wise notwithstanding.

II. *Provided always,* That any thing herein contained shall not be construed to extend to the preventing the mending and using such parts of the said road, as have been opened and used on or before the said first day of March last.

*Passed, April 6, 1776.*

### C A P. X.

*An ACT for vesting a certain tract of land, situate in Middletown township, in the county of Bucks, in trustees, to be sold, and for other purposes therein mentioned.*

*Passed, April 6th, 1776. Recorded in Law Book A, Vol. 6, Page 80, &c.  
Private Act.*

### C A P. XI.

*An ACT for the relief of Alexander Stewart, a prisoner for debt in the goal of Philadelphia county, with respect to the imprisonment of his person.*

*Passed, April 6th, 1776. Recorded in Law Book A, Vol. 6, Page 85, &c.  
Private Act.*

END of the FIRST VOLUME.



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